



To: Members of the Board of Adjustment, Applicants & Neighboring Property Owners
From: Jonathan B. Kanipe, Town Manager
Date: July 15, 2021
Re: **Board of Adjustment Meeting –July 26, 2021**

Applicants

You or a representative **MUST** attend the 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.

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>.

Parties with standing or members of the public are invited to attend the meeting at 4:00 p.m. on Monday, July 26, 2021.

AGENDA

The following items of business will be considered by the Biltmore Forest Board of Adjustment on Monday, July 26, 2021 at 4:00 pm in the Town Hall Social Room.

MEETING WILL BE HELD IN-PERSON IN ACCORDANCE WITH STATE AND CDC REGULATIONS.

1. The meeting will be called to order and roll call taken.
2. The minutes of the June 21, 2021 regular meeting will be considered.
3. Hearing of Cases (Evidentiary Hearings, Deliberations & Determinations).
 - Case 1:** 1 Ridgefield Place – Request for Variance from Dimensional Requirements
 - Case 2:** 31 Stuyvesant Road (Biltmore Forest Country Club) – Request for Preliminary Landscaping Plan, Grading Plan, and Tree Removal/Replacement Approval
 - Case 3:** 9 Holly Hill Road – Special Use Permit request for Soccer Goal in Rear Yard as Accessory Structure
 - Case 4:** 1095 Hendersonville Road – Special Use Permit Request for Existing Planned Unit Development Driveway Access Improvements
 - Case 5:** 23 Eastwood Road – Special Use Permit for Revisions to Previously Approved Plan for Driveway Entrance

4. Adjourn

MINUTES OF THE BOARD OF ADJUSTMENT MEETING
HELD MONDAY, JUNE 21, 2021

The Board of Adjustment met at 4:00 p.m. on Monday, June 21, 2021.

Members present: Mr. Greg Goosmann, Ms. Rhoda Groce, Mr. Robert Chandler, Mr. Lowell Pearlman, and Ms. Martha Barnes. Mr. Jonathan Kanipe, Town Manager and Mr. William Clarke, Town Attorney were 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. Gordon Taylor

Ms. Catherine Taylor

Mr. Robert Dull

Mr. Ross Carlton

Mr. Richard Pigossi

Ms. Judith Pigossi

Ms. Eleanor Johnson

Mr. Drew Stephens

Ms. Betsy Thurlow

Ms. Kari Hubbard

Mr. Josh Hubbard

Mr. Raymond Russell

Ms. Elizabeth Russell

A motion was made by Mr. Robert Chandler to approve the minutes from May 17, 2021. Ms. Rhoda Groce seconded the motion. The minutes were unanimously approved.

HEARING (Evidentiary):

A Special Use Permit was requested for installation of a fence in the rear yard for 3 Deerfield Road. Ms. Martha Barnes shepherded the matter. The homeowners would like to install a vegetable garden in the rear yard that is rectangular. It will be 13'x13'. The fencing will be installed around it. The fencing comes from Lowe's. The fencing will not be visible to the neighbors. There was one positive comment from a neighbor regarding this fence. There were no objections.

DELIBERATION AND DETERMINATION:

Ms. Barnes recited the facts and said a Special Use Permit is being applied for by Mr. Gordon Taylor and Ms. Catherine Taylor of 3 Deerfield Road for a rear yard fence. It will be a black metal fence and will not be visible to the neighbors. There will not be any encroachments on any of the setbacks. It is well screened inside the backyard. There were no additions to the facts.

Ms. Rhoda Groce moved that a Special Use Permit be granted to Mr. Gordon Taylor and Ms. Catherine Taylor of 3 Deerfield Road for a rear yard fence installation 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. Ms. Barnes further moved the Board define that granting this Special Use Permit (a) would not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and improved, (b) met all required conditions and specifications of the Town of Biltmore Forest Zoning ordinance, (c) would not substantially injure the value of adjoining or abutting property, and (d) would be in general conformity with the plan of development of the Town of Biltmore Forest and its environs as set forth in Sections 153.110 (C)(2-3) of the above ordinance. The applicant has been informed that he/she is to report to the Zoning Administrator within seven (7) days of completion of the project in order that the Zoning Administrator can determine that the project has been completed in accordance with plans submitted to the Town.

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

HEARING (Evidentiary):

The next matter was a request for tree removal in excess of ten (10) trees as part of the landscaping plan at 57 Forest Road. Mr. Lowell Pearlman shepherded the matter. There will be tree removal due to poor health of trees. Mr. Robert Dull represented the homeowner. The replanting of trees meets the guidelines of the Ordinance. Mr. Dull showed the Board the design plan for replacing the trees. Mr. Jonathan Kanipe said there is no Special Use or Variance required but a motion needs to be made for approval of removal and replanting. Mr. Kanipe also stated that the Tree Protection Ordinance states for the diameter to be planted if they are hardwoods and the height to be planted if they are evergreens. Mr. Dull said the homeowners would comply. There were no further comments.

DELIBERATION AND DETERMINATION:

Ms. Martha Barnes made a motion to approve the tree removal as part of the landscaping plan for 57 Forest Road. Ms. Rhoda Groce seconded and the motion was unanimously approved.

HEARING (Evidentiary):

The next matter was for a preliminary landscaping plan request for construction of a new single-family residence at 15 Eastwood Road. The matter was shepherded by Ms. Rhoda Groce. Mr. Ross Carlton represented the homeowners. The primary goal was to have the trees removed that affected the footprint of the house. The buffering will be kept except for where the house will be built. Mr. Carlton said they will only be taking about 4-5 trees of the rear side. Mr. Kanipe went into further detail about the landscaping plan and showed the Board which trees will be removed. Mr. Kanipe said the homeowners went before the Design Review Board last month to get the plans approved for the new house construction.

Ms. Barnes said if they were protected trees, the Ordinance would call for replacement of 36 trees and 18 are proposed. Ms. Barnes suggested considering hardwood canopy trees. Mr. Carlton agreed.

DELIBERATION AND DETERMINATION:

A motion was made by Ms. Barnes to approve the landscaping and grading plan because the site disturbance is greater than 20 percent at 15 Eastwood Road. Mr. Lowell Pearlman seconded the motion. The motion was unanimously approved.

HEARING (Evidentiary):

The next matter was a request for a Special Use Permit request for installation of a fence in the rear yard at 314 Vanderbilt Road. The homeowner was unable to attend. Mr. Robert Chandler recited the facts. The proposed fence is black aluminum and will be 3.5 feet high. It complies with all setbacks within the rear and side yards. There will be buffering outside the area for neighbors. Mr. Kanipe said the fence is approximately 175 linear feet.

DELIBERATION AND DETERMINATION:

Mr. Lowell Pearlman recited the facts and said Ms. Lori Lassiter of 314 Vanderbilt Road be granted a Special Use Permit for installation of a fence in the rear yard and the facts as recited by Mr. 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. 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.

Ms. Groce seconded and the motion was unanimously approved.

HEARING (Evidentiary):

The next request was for a Special Use Permit for installation of roof-mounted solar panels on the existing home and existing accessory building at 14 Cedarcliff Road. Mr. Pearlman shepherded the matter. Mr. Richard Pigossi revised the request and the solar panels will no longer be installed on the existing accessory building. There will be nineteen solar panels all installed on the back.

Ms. Eleanor Johnson spoke and let the Board know she supports this solar panel project.

Mr. Pigossi said the technology has evolved with solar panels tremendously since 2014 and encouraged as many people as possible to get solar panels.

DELIBERATION AND DETERMINATION:

Mr. Lowell Pearlman stated the facts and said Mr. Richard Pigossi and Ms. Judith Pigossi of 14 Cedarcliff Road are applying for roof-mounted solar panels on the rear roof of the home.

Mr. Robert Chandler said Mr. Richard Pigossi and Ms. Judith Pigossi of 14 Cedarcliff Road be granted a Special Use Permit for installation of roof mounted solar panels and the facts as recited by Mr. 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. Mr. Chandler 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. Barnes seconded the motion. The motion was unanimously approved.

HEARING (Evidentiary):

The next request was for a Special Use Permit for installation of ground-mounted solar array at 4 Hilltop Road. Mr. Drew Stephens said there would be two ground-mounted arrays that are approximately 18 feet wide by 12 feet high. They will be ground mounted at 22 degrees up. The maximum height for the first will be six feet and the second one will be eight feet. There are two rows of hemlock trees and arborvitae. There are also two peach trees and an apple tree between a neighboring property owner. There will also be arborvitae planted all around the property so it will not be seen from the road. Mr. Stephens showed and explained the plans in further detail to the Board.

Ms. Betsy Thurlow commented, and said she was unaware of the plans before the meeting, but approves it now that she attended the meeting.

DELIBERATION AND DETERMINATION:

Ms. Rhoda Groce restated the facts and said Mr. Drew Stephens of 4 Hilltop Road is requesting a Special Use Permit for installation of ground-mounted solar array. The panels will be hidden by trees and the north and west side. The applicant will add additional buffering if needed.

Ms. Martha Barnes made a motion to approve the Special Use Permit request for Mr. Drew Stephens at 4 Hilltop Road for ground mounted solar array and the facts as recited by Ms. Rhoda Groce and her summation be accepted as findings and facts to support this grant. The Board has inspected this site and no neighboring property owner has objected. Ms. Barnes further moved the Board define that granting this Special Use Permit (a) would not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and improved, (b) met all required conditions and specifications of the Town of Biltmore Forest Zoning ordinance, (c) would not substantially injure the value of adjoining or abutting property, and (d) would be in general conformity with the plan of development of the Town of Biltmore Forest and its environs as set forth in Sections 153.110 (C)(2-3) of the above ordinance. The applicant has been informed that he/she is to report to the Zoning Administrator within seven (7) days of completion of the project in order that the Zoning Administrator can determine that the project has been completed in accordance with plans submitted to the Town.

Mr. Robert Chandler seconded the motion. The motion was unanimously approved.

HEARING (Evidentiary):

The next case was a Variance request for installation of a circular driveway within the side yard setback at 32 Buena Vista Road. Ms. Martha Barnes shepherded the matter. Ms. Kari Hubbard said it would be more convenient to have a circular driveway for when they have guests over and for the inclement weather. Mr. Josh Hubbard said the hardship for the variance is access to the water main. The driveway would have to be fourteen feet outside the water main.

DELIBERATION AND DETERMINATION:

Ms. Barnes restated the facts and said Mr. Josh Hubbard and Ms. Kari Hubbard of 32 Buena Vista Road are requesting a Variance for driveway installation. The driveway will fall into the side yard setback and the hardship is there is a MSD manhole meter that should not be run across it for effective use. The driveway will be gravel. It is well screened from the neighbors and they are adding proposed landscaping due to a tree that fell down in the past.

Ms. Rhoda Groce moved that a variance as requested be granted to Mr. Josh and Ms. Kari Hubbard of 32 Buena Vista Road for installation of a driveway in the side yard setback and the facts as recited by Ms. 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.

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.

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

HEARING (Evidentiary):

The final matter was for a revised Variance request for reconstruction of a storage building within the side yard setback at 307 Vanderbilt Road. The matter was shepherded by Mr. Robert

Chandler. Mr. Chandler said there is already an existing shed and homeowners had started reconstruction. Meanwhile, the neighboring property owners would like to put a fence up which was also approved by the Board. Part of the existing shed was in the neighbor's property and the homeowners at 307 Vanderbilt are correcting this. The new replacement will be reconstructed to where the height will be ten feet and within 6-8 inches of the neighbor's fence. There will be room between the fence and the structure.

Ms. Russell said there would be a bit of a gap between the fence and the shed. There were no changes in the facts as stated.

DELIBERATION AND DETERMINATION:

Mr. Chandler restated the facts and said Mr. Raymond Russell and Ms. Elizabeth Russell of 307 Vanderbilt Road are requesting a Variance for reconstruction of a storage building within the side yard setback. It will be reconstructed entirely on their property. The height will be ten feet or less and reconstructed similar to what it was before.

Mr. Lowell Pearlman made a motion to approve a revised Variance for reconstruction of a storage building within the side yard setback to Mr. Raymond Russell and Ms. Elizabeth Russell of 307 Vanderbilt Road and the facts as recited by Mr. 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.

Mr. Pearlman 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. Martha Barnes seconded the motion. The motion was unanimously approved.

Chairman Goosmann adjourned the meeting at 5:19 pm. The next Board of Adjustment meeting is scheduled for Monday, July 26, 2021 at 4:00 pm.

ATTEST:

Greg Goosmann
Chairman

Laura Jacobs
Town Clerk

BOARD OF ADJUSTMENT STAFF MEMORANDUM

July 26, 2021



Case 1 – 1 Ridgefield Place Request for Variance from Dimensional Requirements

Variance Request from Dimensional Requirements

The applicant requests approval for a variance from the Town's minimum lot size requirements for the R-1 and R-2 district. This request is in conjunction with a planned division of an existing single parcel at 1 Ridgefield Place. The property abuts Ridgefield Place and Eastwood Road and is exempted from the Town's subdivision standards. The pertinent portion of the subdivision ordinance that identifies this exception is highlighted and attached to this memorandum.

Parcel Information

The parcel in question at 1 Ridgefield Place is a total of 1.14 acres. The parcel is split zoned, R-1 and R-2, and the applicant's interest in dividing the parcel is an effort to re-create the original lots and zoning in effect before the parcels were combined in the mid-2000s. The applicant has provided detailed information, including a preliminary plat showing the newly restored parcels with appropriate R-1 and R-2 zoning, and maps for this property. The applicant has also provided an analysis of neighboring lots in both the R-1 and R-2 zoning districts. This analysis was confirmed by Town staff, and shows that 18 of 24 parcels on Ridgefield Place do not meet the Town's dimensional requirements. Additionally, three of 16 parcels on Eastwood Road do not meet the dimensional requirements for the R-1 district.

The parcel's division, allowed administratively by right, would result in appropriate zoning to the two restored lots. The proposed division restores the original parcel and lot lines, but does not meet the Town's dimensional requirements as found in Section 153.007 of the Zoning Ordinance (attached to this memorandum). The stated hardship and variance request is due to the split zoning that exists on the single parcel.

The matter before the Board of Adjustment is simply whether to grant a variance allowing the proposed new lots to exist without meeting the Town's dimensional requirements. The division itself may be approved administratively by Town staff and the zoning (for each parcel) would then be conforming due to the split zoning already in place.

(B) General provisions.

The following are general provisions applicable to the table in division (A).

(1) Only two clothing or jewelry sales maybe held per year at each dwelling, not to exceed five consecutive days for each sale. Property owners are required to contact the Zoning Administrator prior to holding the sale so that the date of the sale may be noted. See § 153.004.

(2) Only one estate auction sale may be held during a resident’s ownership of the property. Property owners are required to contact the Zoning Administrator prior to holding the estate/auction sale so that the date of the sale may be noted. See § 153.004 for additional limitations.

(3) Only one garage/yard sale may be held per year at each dwelling. Property owners are required to contact the Zoning Administrator prior to holding the sale so that the date of the sale may be noted. See § 153.004.

(4) Only four fundraising events may be held per year at each dwelling. No such event shall last longer than five hours in a single day and any such event must end by 11:00 p.m. There shall be no sales of goods or services at any such event. Parking for such an event must not impede the normal flow of traffic and must not be upon any other property without permission from the other property owners

(5) No home business activity shall employ any person who does not live in the home. No person shall come to the home for a business transaction of any nature as part of the home business activity, including, but not limited to, retail or commercial sales or fee for service transactions. See § 153.004.

(6) Where there is proposed more than one principal building per lot or where there is proposed any building with a gross floor area of 50,000 square feet or more, a planned unit development must be sought. See § 153.004 for additional requirements.

(7) Home stays and short term rentals are not allowed in any district. There may be only two rentals of a dwelling unit or accessory structure in any calendar year.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013; Ord. 2015-01, passed 8-11-2015)

§ 153.007 DIMENSIONAL REQUIREMENTS.

Districts	Minimum Lot Area (in Square Feet)	PUD Residential Density Max. Number of Dwellings per Acre	Minimum Requirement (in Feet)				Yard	Setback
			Minimum Lot Width at Building Line	Front (From Edge)	Yard Street	Side Yard	Rear Yard	Maximum Height
			Feet				In Feet	
R-1	43,560	0	150	60	20	25	40	
R-2	20,000	0	100	50	15	20	40	
R-3	20,000	8	100	50	15	20	40	
R-4	20,000	2	100	50	15	20	40	
R-5	Footnote #6	8	100	50	15	20	40	
PS	No Min.	0	No Min.	No Min.	No Min.	No Min.	N/A	

(B) General provisions. The following are footnotes applicable to the table in division (A).

(1) Footnote 1. The minimum lot area for lots not served by public water and/or sewer shall be subject to approval by the County Health Department to ensure the proper operation of septic tanks and wells. In no case, however, shall minimum lot area be less than those specified in the table in division (A).

(2) Footnote 2. The minimum lot width at the street line shall be 125 feet in the R-1 District, and 80 feet in the R-2, R-3, and R-4 Districts.

(3) Footnote 3. On all corner lots, a 30-foot side yard setback is required.

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

(5) Footnote 5. Height requirements may be varied upon approval of the Board of Adjustment.

(6) Footnote 6. Whichever is greater, 20,000 square feet, or twice the gross floor area of the building.

(7) Footnote 7. An increase in the side and rear yard setbacks is required for homes (structures) that exceed 25 feet in height. Homes (structures) greater than 25 feet in height shall be setback from the side and rear property lines an additional one and one-half feet for each one foot, or portion thereof, that the home (structure) exceeds 25 feet in height.

(8) Footnote 8. Structures exceeding a roof coverage area of 7,000 square feet shall be setback from side and rear property lines an additional 20% of the required setback for each 500 square feet, or increment thereof, that the roof coverage areas exceeds 7,000 square feet.

Example: The rear setback for a single story 8,200 square foot house in the R-1 District would be calculated as follows:

$$8,200 - 7,000 = 1,200$$

$$1,200/500 = 2.4 \text{ (round to 3 to account for increment of change)}$$

$$3 \times 20\% = 60\%$$

$$60\% \times 20 = 12$$

$$25 + 12 = 37$$

Rear setback will be 37 feet

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 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.

GENERAL PROVISIONS

§ 152.01 SHORT TITLE.

This chapter shall be known and may be cited as the “Subdivision Regulations of The Town of Biltmore Forest, North Carolina”.

(Ord. passed 7-17-1984)

§ 152.02 AUTHORITY.

The Town Board of Commissioners, pursuant to the authority granted by the G.S. §§ 160A-371 through 160A-376, hereby ordains and enacts into law these articles and sections for the purpose of providing for the orderly growth and development of the town.

(Ord. passed 7-17-1984)

§ 152.03 JURISDICTION.

These regulations shall govern all subdivision of land lying within the corporate limits of the town, as now or hereafter established.

(Ord. passed 7-17-1984)

§ 152.04 PURPOSE.

The purpose of this chapter is to establish procedures and standards for the development and subdivision of real estate within the corporate limits of the town in an effort, to among other things, ensure proper legal description, identification, monumentation, and recordation of real estate boundaries; further the orderly layout and appropriate use of the land; provide safe, convenient, and economic circulation of vehicular traffic; provide suitable building sites which are readily accessible to emergency vehicles; assure the proper installation of streets and utilities and other improvements; and help conserve and protect the physical and economic resources of the town and its environs.

(Ord. passed 7-17-1984)

§ 152.05 COMPLIANCE.

All plats for the subdivision of land shall conform to the requirements of these regulations, and shall be submitted in accordance with the procedures and specifications established herein. No plat or a subdivision of land within the town shall be filed or recorded by the County Register of Deeds until it has been submitted in accordance with these provisions and given final plat approval by the Town Board of Commissioners.

(Ord. passed 7-17-1984)

§ 152.06 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BOARD OF COMMISSIONERS. Biltmore Forest Town Board of Commissioners.

BUILDING SETBACK LINE. A line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structure shall be placed except as otherwise provided. Front setback lines shall be measured from the street line.

CORNER LOT. A lot abutting upon two or more streets at their intersection.

CUL-DE-SAC. A street permanently terminated by a turn-around.

EASEMENT. A grant by the property owner of use, by the public, a corporation, or person(s), of a strip of land for specified reasons.

INDIVIDUAL SEWER SYSTEM. Any septic tank or ground absorption system serving a single source or connection and approved by the County Sanitarian.

INDIVIDUAL WATER SYSTEM. Any well or spring used to supply a single connection.

LOT. A portion of a subdivision or any other parcel of land intended as a unit for transfer of ownership, or for development, or both. The word **LOT** includes the words **PLOT** or **PARCEL**.

PLANNING COMMISSION. Biltmore Forest Planning Commission.

PUBLIC SEWER SYSTEM. Any sewer system owned and operated by the Town of Biltmore Forest or the Metropolitan Sewerage District in Buncombe County. Plans for public sewer system extensions serving two or more connections to a public system shall be approved by the State Division of Environmental Management.

PUBLIC WATER SYSTEM. The water system operated by the Town of Biltmore Forest. Water systems serving 15 or

more residential connections or serving more than 25-year-round residents are classified as public water supplies, and plans and specifications must be approved by the State Division of Environmental Health. Also, water supply systems serving from two to 14 connections shall be regulated by the County Board of Health and plans shall be approved by the Buncombe County Health Department, Environmental Health Section.

REGISTERED ENGINEER. A professional engineer who has been duly registered and licensed as a professional engineer pursuant to G.S. Ch. 89C.

REGISTERED LAND SURVEYOR. A person duly registered to practice land surveying pursuant to G.S. Ch. 89C.

RESIDENTIAL PLANNED UNIT DEVELOPMENT. A group residential development where more than one principal building is proposed to be constructed on a single tract or a clustered housing development or any residential complex containing at least six or more units, shall be deemed a **RESIDENTIAL PLANNED UNIT DEVELOPMENT**. (PUD). Multi-family structures shall have no less than three, three dwelling units per structure. Residential units within a **RESIDENTIAL PLANNED UNIT** development may include single-family detached or attached units, townhouse developments, condominiums, and other multi-family type residential units, excluding time-sharing units, mobile homes, and mobile home parks.

SHALL. The word **SHALL** is always mandatory and not merely directory.

STREET. A dedicated right-of-way intended for vehicular traffic, which affords the principal means of access to abutting properties.

STREET LINE. The edge of the roadway pavement.

SUBDIVIDER. Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

SUBDIVISION. As defined by state, law shall mean all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions, for the purpose of sale or building development whether immediate or future, and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following as defined by state law shall not be included within this definition nor be subject to the subdivision regulations of this chapter; however, divisions (1) through (4) below are regulated through the town's zoning ordinance.

(1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the town as required by this chapter.

(2) The division of land into parcels greater than ten acres where no street right-of-way dedication is involved.

(3) The public acquisition by purchase of strips of land, for the widening or opening of streets.

(4) The division of a tract of land in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved, and where the resultant lots are equal to or exceed the standards of the town, as required by this chapter.

SUBDIVISION ADMINISTRATOR. An official or designated person of the Town of Biltmore Forest responsible for assisting in the administration and enforcement of this chapter.

(Ord. passed 7-17-1984)

§ 152.07 GENERAL REQUIREMENTS.

(A) *Conformity to surrounding development and street extension; street connections to existing town streets.*

(1) The proposed street layout shall be coordinated with the street system of the surrounding area. Where possible, existing principal streets shall be extended.

(2) (a) All proposals for street extensions or proposals for connecting a street to an existing town street shall require a street permit from the town. In order to receive such a permit, all proposals for street extensions or proposals for connections to any existing town streets shall be reviewed and approved by the Town Board of Commissioners.

(b) If the proposal is part of a subdivision plan, the application for the permit should be made with the preliminary plat and the street permit shall be issued when the Board of Commissioners approve the preliminary plat for the subdivision. All other street extensions or street connections to an existing street not involving a subdivision shall require a permit and application for a new street permit shall be made at the Town Hall.

(c) Persons making such proposals shall prepare and present street plans and traffic generation data to demonstrate the impact upon the town's existing street system. All street plans shall be prepared by a registered engineer. All proposed streets shall meet the requirements and standards of the State Department of Transportation, Division of Highways' *Subdivision Roads Minimum Construction Standards* (latest edition as revised), as specified in §152.52. The Board of Commissioners shall require the street plans to be reviewed and a recommendation provided to the Board by the Planning Commission, and the town's consulting engineer.

(d) The Board of Commissioners shall either approve or disapprove each application for a new street permit. If the Board of Commissioners determine that the proposal will either cause traffic congestion or impair traffic safety, or be detrimental to the existing surrounding neighborhoods, or be detrimental to the health, safety, or welfare of its citizens, the

Town Board of Commissioners shall have the authority to prohibit the extension or connection to any existing town street by disapproving the new street permit. The Board shall state the reasons for applying or disapproving each application.

(B) *Access to adjacent properties.* Where, in the opinion of the Board of Commissioners, it is desirable to provide for street access to an adjoining property, proposed streets shall be extended by dedication to the boundary of such property and a temporary turn-around shall be provided.

(C) *Large tracts or parcels.* Where land is subdivided into large parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future streets and logical further re-subdivision.

(D) *Alleys.* Alleys shall be provided to the rear of all lots used for other than residential purposes. Alleys are prohibited in residential blocks unless such are approved by the Board of Commissioners. All dead-end alleys shall be provided with a turn-around.

(E) *Street names.* Proposed streets, which are obviously in alignment with existing streets, shall be assigned the same name of the existing street. For all other proposed streets, in order to avoid confusion for emergency vehicles, the name of proposed streets shall not duplicate an existing street name in the county. It is the responsibility of the subdivider to contact the County Street Addressing office to obtain approval of the street name.

(F) *Surveying and placements of monuments.* The *Standards of Practice for Land Surveying*, as adopted by the State Board of Registration for Professional Engineers and Land Surveyors, under provisions of G.S. Ch. 89C, shall apply when conducting surveys.

(G) *Final plats.* All final plats to be recorded in the County Register of Deeds shall meet all the mapping requirements set forth in G.S. § 47-30, as amended.

(H) *Preparation of plans by a registered engineer.* All plans for streets, drainage, water and sewer systems, and sedimentation control, as required in this chapter, shall be prepared by a registered engineer. The engineer's seal shall be affixed to such plans. As specified in this chapter, the town's consulting engineer shall review these plans and provide recommendations to the Planning Commission and Board of Commissioners as to the suitability of the proposed systems.

(I) *Natural assets.* In any subdivision, due consideration will be given to preserving natural features such as trees, ponds, streams, rivers, lakes, and for any historical sites which are of value not only to the subdivision but to the town as a whole.

(Ord. passed 7-17-1984)

§ 152.08 EXCEPTIONS.

(A) In compliance with the town zoning ordinance and in specified zoning districts, the standards and requirements of this chapter may be modified in the case of a plan for a residential planned unit development (see definition in § 152.06). Residential planned unit developments shall be reviewed as a conditional use under the zoning ordinance and approved by the Zoning Board of Adjustment. It is the intent of this section to encourage flexibility and innovation in the design of structures and land development, and to provide an opportunity to develop land areas in a manner different from the standards arrangement of one principal building on one lot.

(B) It is further intended that a residential planned unit development will be in harmony with the character of the zoning district in which it is located, and that adequate standards will be maintained to assure the public health, safety, and general welfare. Residential planned unit developments shall be prepared and submitted in accordance with Ch. 153.

(Ord. passed 7-17-1984)

§ 152.09 AMENDMENTS.

(A) *Amendment procedures.* This chapter may be amended from time to time by the Board of Commissioners. Before taking any action on a proposed amendment to this chapter, the Board of Commissioners shall request the Planning Commission to provide a recommendation on each proposed amendment. The Planning Commission shall have 32 days after the proposed amendment has been presented to them to submit its recommendations to the Board of Commissioners. Failure of the Planning Commission to submit recommendations within the 32-day period shall constitute a favorable recommendation.

(B) *Public hearing.* Before enacting any amendment to this chapter, the Board of Commissioners shall hold a public hearing. A notice of such public hearing shall be published in a newspaper of general circulation in the county once a week for two successive weeks, the first publication shall not appear less than ten days or more than 25 days prior to the date fixed for the public hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included. The notice shall include the time, place, and date of the hearing and include a description of the change or amendment to this chapter.

(Ord. passed 7-17-1984)

§ 152.10 LEGAL PROVISIONS.

(A) *Abrogation.* This chapter shall neither repeal, abrogate, annual, impair, nor interfere with any existing subdivisions, the plats of which are properly recorded in the office of the Register of Deeds prior to the effective date of this chapter, nor with existing easements, covenants, deed restrictions, agreements, or permits previously adopted or issued pursuant to law,

prior to the effective date of this chapter.

(B) *Effective date.*

(1) This chapter shall take effect and be in force from and after its adoption by the Town Board of Commissioners, July 17, 1984.

(2) Since the original adoption of this chapter, the ordinance has been amended on May 19, 1987, June 13, 1989, March 19, 1991, November 29, 1994, and January 26, 1995. All amendments are included herein and are a part of this chapter text.

(Ord. passed 7-17-1984)

To: Town of Biltmore Forest Board of Adjustment and Fellow Citizens
Re: 1 Ridgefield Pl Split Zoning and Dimensional Restoration
From: Drew Stephens, 1 Ridgefield Pl
Date: July 19, 2021

Attached please find a few GIS-generated map graphics with details and insight in reference to case #1 of the July 2021 BOA meeting concerning 1 Ridgefield Pl. Each graphic is preceded with a title and notes for context. Many thanks for your time in reviewing this document – I'm looking forward to seeing you on July 26.

Respectfully,

Drew Stephens

Figure 1. Current Split-Zoned 1 Ridgefield parcel, and proposed modification in red. The current parcel is zoned R-1, though the red line is also the official Town R-1/ R-2 Zoning boundary.

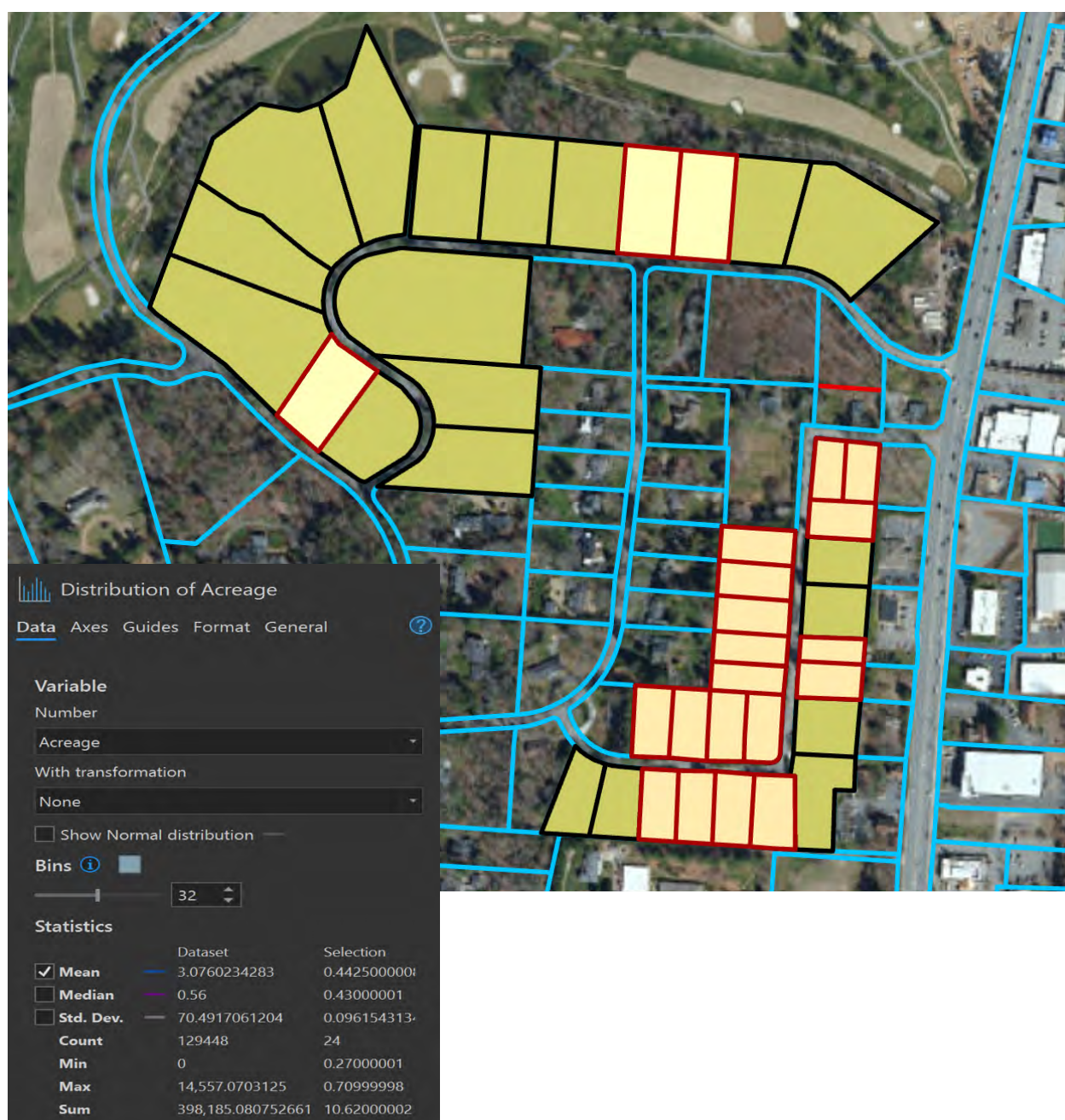


Figure 2. Official Biltmore Forest Zoning Map transparently overlaid on satellite image and Official Buncombe County Parcels (in blue), with proposed lot restoration in red. The .42 acre lot at 1 Ridgefield Pl is south of red line. The parcels north of the “R-2” line in this map are zoned R-1, one acre minimum, along Eastwood Rd.



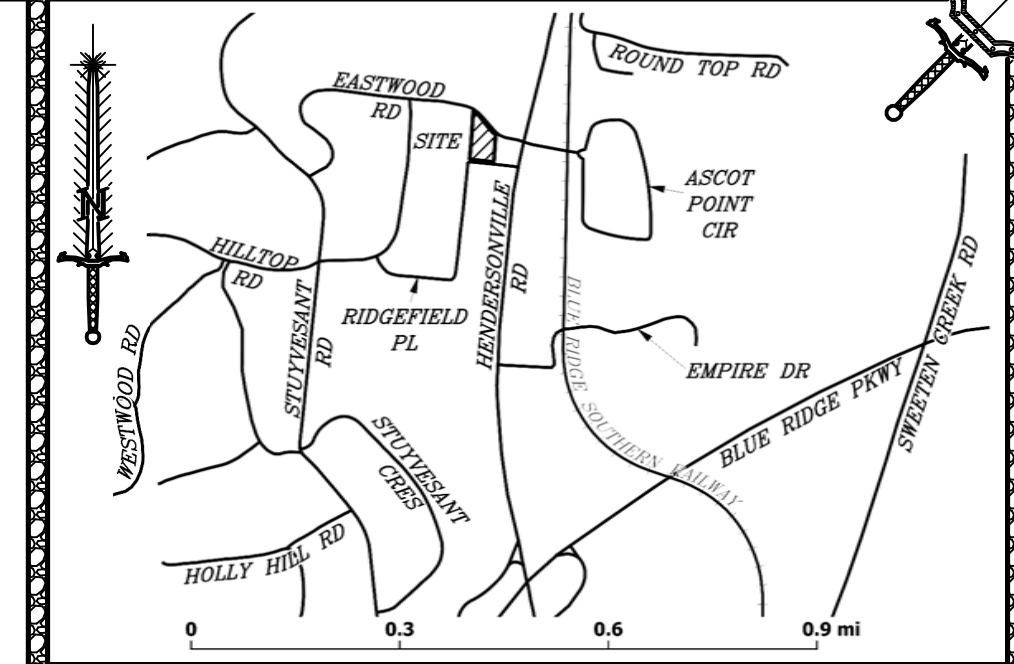
Figure 3. Eastwood Rd R-1 and Ridgefield Pl R-2 parcels in green. In yellow (with red outlines) are parcels from both streets that do not conform to current dimensional requirements. With this neighborhood pattern in place, I believe that the proposed modification will not significantly alter the character of the neighborhood, thus our request for a hardship variance.

- Of the 24 parcels on Ridgefield Pl., 18 parcels are under .46 acres.
- Of the 16 parcels on Eastwood Rd., 3 are under 1.0 acres.
- A GIS report is found below Figure 3 summarizes the Ridgefield Pl parcels showing;
 - o a minimum parcel size of .27 acres
 - o a maximum parcel size of .7 acres
 - o a median of .43



TOWN OF BILTMORE FOREST, NORTH CAROLINA
 I HEREBY CERTIFY THAT THE DIVISION OF THIS TRACT OF LAND IS NOT SUBJECT TO THE SUBDIVISION REGULATIONS SINCE THERE IS AN EXCEPTION IN ACCORDANCE WITH THE SUBDIVISION SECTION (152); THAT IT IS REGULATED THROUGH THE TOWN'S ZONING ORDINANCE.

CURVE TABLE				
CURVE	RADIUS	CHORD BEARING	CHORD DISTANCE	ARC LENGTH
C1	223.80'	S45°42'32"E	59.00'	59.17'
C2	253.80'	S46°40'32"E	77.08'	77.38'
C3	253.80'	S58°50'06"E	28.82'	28.84'

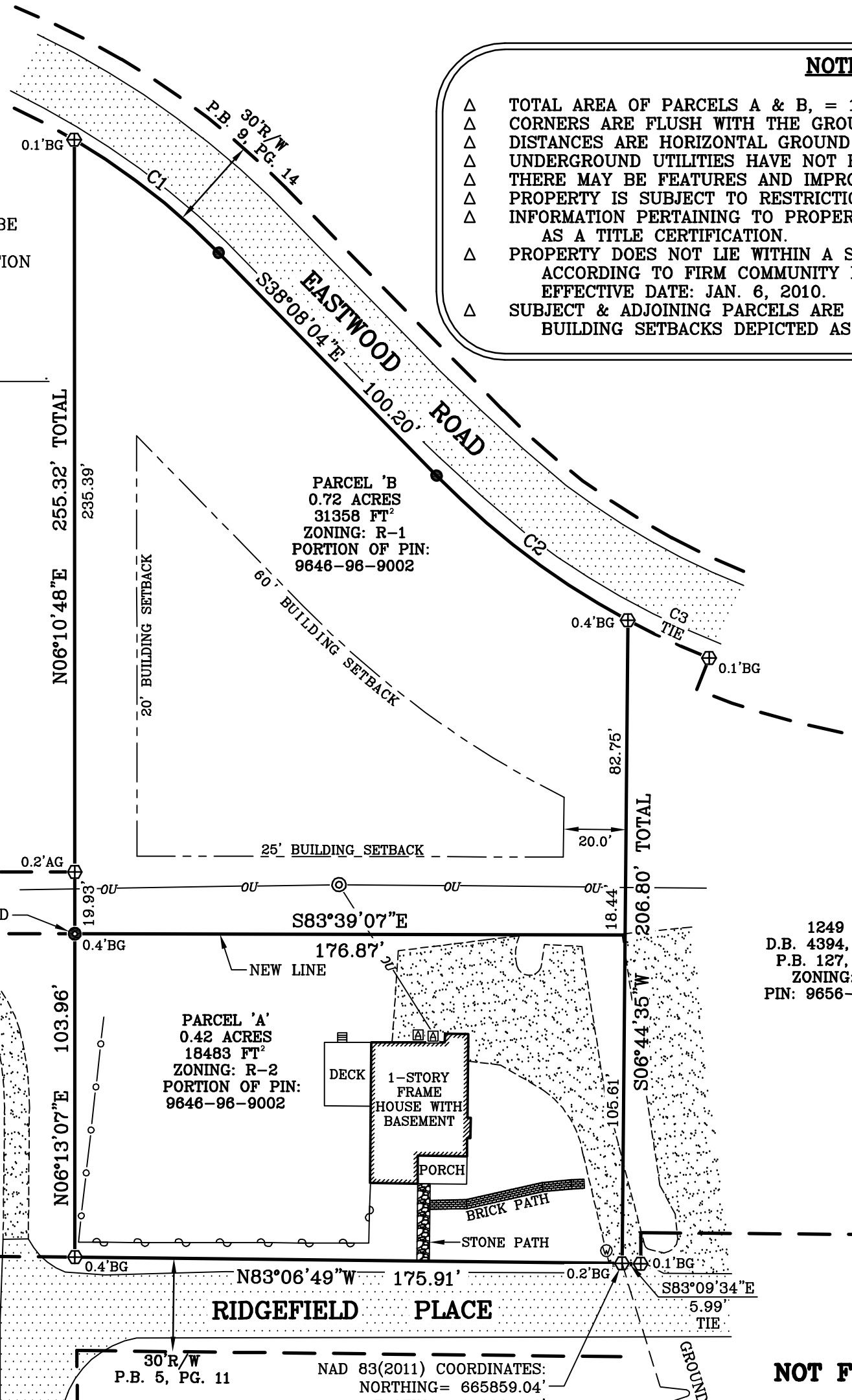


DATE _____ SUBDIVISION ADMINISTRATION _____
 STATE OF NORTH CAROLINA
 COUNTY OF BUNCOMBE
 I, _____ REVIEW OFFICER OF BUNCOMBE COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.
 DATE _____ REVIEW OFFICER _____

HILLTOP ASSOCIATES LLC
 D.B. 2035, PG. 334
 D.B. 1741, PG. 663
 REMAINING PORTION LOTS 11-13,
 P.B. 9, PG. 14
 ZONING: R-1
 PIN: 9646-96-6174

**PRELIMINARY PLAT
 NOT FOR RECORDATION, CONVEYANCES,
 OR SALES.**

0.3' AG N83°46'20"W 229.64' TIE 0.2' AG
 3/4" IRON PIPE FOUND
 PLAT LINE P.B. 9, PG. 14 ORIGINAL BOUNDARY BETWEEN HILLTOP ASSOCIATES & ANDREW T. STEPHENS (4 HILLTOP RD)
 ANDREW T. STEPHENS
 D.B. 4564, PG. 1614
 D.B. 5755, PG. 1467
 D.B. 5861, PG. 200
 P.B. 135, PG. 22
 P.B. 192, PG. 52
 P.B. 203, PG. 127
 ZONING: R-2
 PIN: 9646-95-6872



NOTES
 Δ TOTAL AREA OF PARCELS A & B, = 1.14 ACRES, OR 49841 FT².
 Δ CORNERS ARE FLUSH WITH THE GROUND UNLESS NOTED OTHERWISE.
 Δ DISTANCES ARE HORIZONTAL GROUND UNLESS NOTED OTHERWISE.
 Δ UNDERGROUND UTILITIES HAVE NOT BEEN LOCATED.
 Δ THERE MAY BE FEATURES AND IMPROVEMENTS THAT ARE NOT SHOWN.
 Δ PROPERTY IS SUBJECT TO RESTRICTIONS AND EASEMENTS OF RECORD.
 Δ INFORMATION PERTAINING TO PROPERTY OWNERS IS NOT TO BE CONSTRUED AS A TITLE CERTIFICATION.
 Δ PROPERTY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA, ACCORDING TO FIRM COMMUNITY PANEL #3700964600J. EFFECTIVE DATE: JAN. 6, 2010.
 Δ SUBJECT & ADJOINING PARCELS ARE WITHIN BILTMORE FOREST ZONING. BUILDING SETBACKS DEPICTED AS PER R-1.

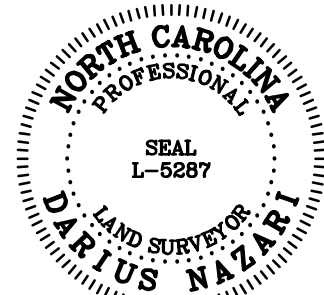
1249 LLC
 D.B. 4394, PG. 630
 P.B. 127, PG. 47
 ZONING: R-2
 PIN: 9656-05-0995

LEGEND

- POINT NOT FOUND OR SET
- ⊕ 5/8" REBAR & CAP SET
- ⊕ 1/2" REBAR FOUND
- OU—OU— UTILITY POLE & OVERHEAD WIRES
- ⊠ AIR CONDITIONING UNIT
- ⊙ WATER METER
- AG ABOVE GROUND
- BG BELOW GROUND
- D.B. DEED BOOK
- NAD 83 NORTH AMERICAN DATUM OF 1983
- NCGS NORTH CAROLINA GEODETIC SURVEY
- P.B. PLAT BOOK
- PG. PAGE
- PIN PARCEL IDENTIFICATION NUMBER
- R/W RIGHT OF WAY
- SURVEYED BOUNDARY
- - - BOUNDARY- NOT SURVEYED UNLESS USED AS A TIE OR NOTED OTHERWISE
- CHAIN-LINK FENCE
- WIRE FENCE
- ASPHALT
- GRAVEL
- NOT TO SCALE

I, DARIUS NAZARI, CERTIFY THAT THIS PLAT WAS DRAWN BY ME FROM AN ACTUAL FIELD SURVEY MADE BY ME FROM THE DEED DESCRIPTION OF RECORD AS REFERENCED IN THE TITLE BLOCK OF THIS PLAT; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION AS NOTED ON THIS PLAT; THAT THE RATIO OF PRECISION AS CALCULATED DOES NOT EXCEED 1: 10,000; THAT THIS PLAT IS OF THE FOLLOWING TYPE: G.S. 47-30 (f) (1) (d) THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXEMPTION TO THE DEFINITION OF SUBDIVISION; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL
 THIS 11th DAY OF MAY, 2021.



**PRELIMINARY PLAT
 NOT FOR RECORDATION, CONVEYANCES,
 OR SALES.**
 PROFESSIONAL LAND SURVEYOR
 L-5287

NAD 83(2011) COORDINATES:
 NORTHING= 665859.04'
 EASTING= 949994.06'

**PRELIMINARY PLAT
 NOT FOR RECORDATION, CONVEYANCES,
 OR SALES.**

SURVEY FOR
ANDREW T. STEPHENS
 PIN LOT: 9646-96-9002
 LIMESTONE TOWNSHIP, BUNCOMBE COUNTY, N.C.
 REFERENCE: D.B. 5595, PG. 33
 SCALE: 1" = 40'
 DATE: APRIL 29, 2021

BLUE RIDGE LAND SURVEYING, INC.

SERVING WESTERN NORTH CAROLINA
 WITH A FULL RANGE OF LAND SURVEYING SERVICES
 www.BlueRidgeLandSurvey.com
 LICENSE C-0463
 251 SUITE B, HAYWOOD ST - ASHEVILLE, N.C. - 28801
 P.O. BOX 3091 - ASHEVILLE, N.C. - 28802
 PHONE: (828) 252-6092

BOARD OF ADJUSTMENT STAFF MEMORANDUM

July 26, 2021



Case 2 – 31 Stuyvesant Road Request for Approval –Landscaping Plan, Grading Plan, and Tree Removal/Replacement Plan

Background

The Biltmore Forest Country Club received a variance and special use approval in July 2019 to replacing the existing tennis courts, swimming pool, and fitness building. The Club is now ready to move forward with the construction phase of this project and requests the Board of Adjustment approval for the preliminary landscaping plan, grading plan, and tree removal/replacement plan. The final zoning permit will be issued upon these approvals and review by the Design Review Board.

Review by Board of Adjustment

Section 153.034 of the Town's Zoning Ordinance requires review and approval by the Board of Adjustment for landscaping and grading plans. As part of the landscaping plan, the applicant has provided a tree removal and replacement plan in accordance with the Town's Tree Protection Ordinance. The Town's Tree Protection Ordinance requires approval from the Board of Adjustment for tree removal between 11 and 30 trees. The applicant's planned removal includes 29 protected trees. The ordinance requires 84 trees be replanted, and the applicant's proposal includes replanting 97 trees. The grading and site plans, respectively, are also included for the Board's review and approval. Town staff is reviewing the utility plan, in relation to the Town's water and stormwater system, and will be working with the Club's consultants in this regard.

Copies of the Town's tree protection ordinance and relevant portions of the Zoning Ordinance are attached to this memorandum.

Zoning Compliance Application

Town of Biltmore Forest

Name

Biltmore Forest Country Club

Property Address

31 Stuyvesant Road

Phone

(828) 274-1261

Email

mcain@cdcgo.com

Parcel ID/PIN Number

9646-76-2927

ZONING INFORMATION

Current Zoning

R-1

Lot Size

135.18 acres

Maximum Roof Coverage

9,647 square feet (Up to 6 acres)

Proposed Roof Coverage Total

Existing=5205 SF; Proposed=9164 SF

Maximum Impervious Surface Coverage

3-6 acres (20 percent of lot area)

Proposed Impervious Surface Coverage

61420 SF

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

Pool Building=46 feet; Tennis Building=34 feet

Description of the Proposed Project

The project will demolish the existing pool and tennis buildings, pool, clay tennis courts, hard tennis court and reconstruct a new pool building, tennis building, pool, clay tennis courts, and hard tennis court. Project will improve accessibility to these structures. The roof coverage area and impervious surface coverage includes only that portion of the parcel that is inside the Project limits (approximately 2.3 acres).

Estimated Start Date

9/7/2021

Estimated Completion Date

9/7/2022

Estimated Cost of Project

\$5,700,000.00

Supporting Documentation (Site Plan, Drawings, Other Information)

2021-07-19 BFCC Coordination Set.pdf

Applicant Signature

Date
7/19/2021



A handwritten signature in black ink, appearing to be 'Ange', written over a horizontal line.

TREE PROTECTION

§ 93.30 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 quality and flavor that form so much of 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. Reference is hereby made to § 153.034 of the Town Zoning Ordinance relating to removal of natural vegetation, which section is routinely involved when residences or other structures are placed on a lot.

(B) Preservation of trees is the intent of this subchapter. This subchapter shall apply to all properties within the Town of Biltmore Forest except properties owned, leased or controlled by the town. 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. Trees provide buffer and a natural canopy, and are a hallmark of the town requiring protection. Damage to and removal of trees requires regulation and control.

(2013 Code, § 19-1) (Ord. passed - - ; Ord. 2019-02, passed 9-17-2019; Ord. 2021-01, passed 1-12-2021)

§ 93.31 IDENTIFICATION.

(A) For the purpose of this subchapter, a protected tree ("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. A tree that is dead, produces no foliage during normal growing season, or a tree that is diseased or storm damaged to the extent that it is structurally compromised and, thus, poses a safety hazard, or a tree that, for any other reason, poses a safety hazard, is an "unprotected tree." This subchapter does not apply to trees that are less than six inches in diameter, regardless of the height of the tree.

(2013 Code, § 19-2) (Ord. passed - - ; Ord. 2019-02, passed 9-17-2019; Ord. 2021-01, passed 1-12-2021)

§ 93.32 REMOVAL OF PROTECTED TREES.

No person shall remove or in any way damage any protected tree on a property without first filing an application for said removal, receiving approval from the Town Manager or Town Arborist for the removal, and paying any applicable fee. The Town Manager, in his or her discretion, may allow the removal of up to three protected trees on the perimeter of a property or lot within the front, side or rear yard setbacks, as such setbacks are defined in the town's Zoning Ordinance. Within the remaining central portion of a property or lot, and the portion on which structures or improvements may be located, the Town Manager, in his or her discretion, may allow up to ten protected trees to be removed. Any protected trees removed shall be replaced as outlined in § 93.38 below.

(2013 Code, § 19-3) (Ord. passed - - ; Ord. 2019-02, passed 9-17-2019; Ord. 2021-01, passed 1-12-2021)

§ 93.33 APPLICATIONS FOR REMOVAL OF PROTECTED TREES IN EXCESS OF TEN.

(A) An application for a permit to remove between 11 and 29 protected trees on a property must be presented directly to the Board of Adjustment. A non refundable fee of \$50.00 shall accompany the application. Such applications will be considered on a case-by-case basis. As a part of its review, the Board of Adjustments may require replacement and replanting of trees as the Board determines necessary, including the specific location of replacement trees.

(B) An application for the removal of 30 or more protected trees on a property must be submitted to the Board of Commissioners for review and approval. A non-refundable fee of \$100.00 plus \$5.00 for each protected tree requested for removal shall accompany the application. Such applications will be considered on case-by-case basis. The cumulative removal of 30 or more protected trees from a single property in one year will result in a formal review and must be approved by the Board of Commissioners. As a part of its review, the Board of Commissioners shall have the authority to require replacement and replanting of trees as the Board determines is necessary, including the specific location of replacement trees. The decision of the Board of Commissioners shall be final.

(Ord. passed - - ; Ord. 2019-02, passed 9-17-2019)

§ 93.34 REMOVAL OF UNPROTECTED TREES.

(A) An unprotected tree may be removed by the property owner after notifying the Town Manager of the plans to remove said tree(s) and receiving approval to do so from the Town Manager. The Town Manager may also require an applicant to provide documentary evidence, in the form of a survey or other documentation sufficient, in the opinion of the Town Manager, to confirm that the unprotected tree(s) are on the applicant's property. An applicant has the right to appeal a decision of the Town Manager to the Board of Adjustment within five days of the Town Manager's decision.

(B) The Town Manager 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 said 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 §93.38 below.

(Ord. passed - - ; Ord. 2019-02, passed 9-17-2019)

§ 93.35 PRE-CONSTRUCTION CONFERENCE AND SUPERVISION.

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

(B) The Town Manager shall have developed sites inspected frequently to ensure work is conforming to the approved landscape plan and the applicable sections of this subchapter.

(C) Prior to the commencement of any pre-construction land-clearing or soil disturbance, the developer/contractor shall be required to sign a document agreeing to abide by the conditions stipulated in this subchapter. At the option of the town, a compliance bond may be required.

(2013 Code, § 19-4) (Ord. passed - - ; Ord. 2019-02, passed 9-17-2019; Ord. 2021-01, passed 1-12-2021)

§ 93.36 ENFORCEMENT.

If any unauthorized removal, cutting or damage to trees takes place, the Town Manager may issue a stop-work order which shall remain in effect until all corrections are made to bring the property in compliance with this chapter.

(2013 Code, § 19-5) (Ord. passed - - ; Ord. 2019-02, passed 9-17-2019; Ord. 2021-01, passed 1-12-2021)

§ 93.37 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. Landscape plans, to the extent feasible, shall protect this area around the tree.

(2013 Code, § 19-6) (Ord. passed - - ; Ord. 2019-02, passed 9-17-2019; Ord. 2021-01, passed 1-12-2021)

§ 93.38 REPLACEMENT OF TREES.

Any protected or unprotected tree removed shall be replaced in that general area of the property within 50 feet of the trunk of the former tree as follows:

<i>Minimum size of existing tree</i>	<i>Replacement of protected tree</i>	<i>Replacement of unprotected tree</i>
6-12" DBH	2 trees	1 tree
13-18" DBH	3 trees	1 tree
19-30" DBH	4 trees	2 trees
30" DBH or greater	5 trees	3 trees

(2013 Code, § 19-7) (Ord. passed - - ; Ord. 2019-02, passed 9-17-2019; Ord. 2021-01, passed 1-12-2021)

§ 93.39 INSPECTIONS.

All protected trees designated to remain, pursuant to a tree survey, plus any replacement trees shall be inspected by the Town Manager or his or her designee one year following replacement, to ensure the trees are in a healthy condition. The Town Manager can require replacement or replanting of replacement trees if necessary.

(2013 Code, § 19-8) (Ord. passed - - ; Ord. 2019-02, passed 9-17-2019)

§ 93.40 APPEALS.

Any person aggrieved by a decision made under this subchapter by the Town Manager or his or her designee may file, within five 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.

(2013 Code, § 19-9) (Ord. passed - - ; Ord. 2019-02, passed 9-17-2019)

§ 93.41 BOND.

At the option of the town, a bond or other type of guarantee can be required of the property owner when initiating new construction, to ensure that all permits and agreements are met, to the satisfaction of the town.

(2013 Code, § 19-11) (Ord. passed - - ; Ord. 2019-02, passed 9-17-2019; Ord. 2021-01, passed 1-12-2021)

§ 93.99 PENALTY.

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.

(B) (1) Upon determining a violation of §§ 93.30 through 93.41 has occurred, the Town Manager shall record the nature of the violation and send a notice of violation to the responsible person or entity by regular and certified mail or by hand delivery. The responsible person or entity shall have 30 days from the date of the letter to correct the violation. If the violation is not corrected within 30 days, the Town Manager may proceed with criminal charges pursuant to G.S. 14-4, or may take such other enforcement action as may be necessary to carry out the purpose of §§ 93.30 through 93.41.

(2) A violation of §§ 93.30 through 93.41 is a Class 3 misdemeanor under North Carolina law. The penalty for violating §§ 93.30 through 93.41 shall be \$250 per day. Each day of continued violation shall be a separate offense. The town shall also have the right to pursue civil remedies for a violation of §§ 93.30 through 93.41 including injunctive relief, and a civil penalty of \$250 for each day's violation of the subchapter pursuant to G.S. 160A-175.

(2013 Code, § 19-10) (Ord. passed - - ; Ord. 2019-02, passed 9-17-2019; Ord. 2021-01, passed 1-12-2021)

other obstruction shall be erected to interfere with said sight distance. In accordance with §91.02 (C)(2), the construction of curbing or obstructions across the Town right of way is prohibited. (Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.032 VACANT STRUCTURES AND LOTS.

Vacant structures, lots, and open spaces shall be maintained consistent with the surrounding neighborhood. All structures shall remain structurally sound. Vegetation shall be neatly trimmed and the accumulation of unsightly debris shall be prohibited. (Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.033 SIGNS IN RESIDENTIAL DISTRICTS, R-1, R-2, R-3, R-4, AND R-5.

(A) A small sign showing the name of the owner or occupant or the street number of a lot shall be permitted on any lot. Additional sign requirements, including real estate and construction company signs, are found in §93.02 of the Town Code.

(B) The design or layout of signs proposed for any special use shall be presented along with the development plan as specified in § 153.008(B). (Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.034 LAND DISTURBANCE AND SEDIMENTATION CONTROL.

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

(B) Maintain as natural open space areas. The intent of this requirement is to ensure that these areas are to be maintained as natural open space areas, and that any disturbance such as the building of roads, public utilities, and other such activities be designed and constructed so as to maintain the natural scenic character of these districts. A landscape plan shall be submitted and approved by the Board of Adjustment prior to any land-disturbing activity.

(C) Compliance with G.S. § 113A-54. Where applicable, all proposed development projects or land-disturbing activities shall comply with G.S. § 113A-54, and Rules and Regulations for Erosion and Sediment Control as established by the State Sedimentation Control Commission, State Department of Natural Resources and Community Development.

(D) Landscaping plans. A specific landscaping plan prepared by an appropriate professional shall be submitted to the Board of Adjustment which shall detail all plantings or reforestation to take place as part of the land-disturbing activity.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.035 BUFFER STRIP REQUIRED.

From the time of the adoption of this chapter, all special use development projects in the R-4 District that abut a residential lot or the other residential districts, shall provide a buffer strip that meets the requirements as outlined in § 153.063, “buffer strip and screen requirements”.

NOTES

- ALL SITEWORK SHALL BE IN ACCORDANCE WITH ALL LOCAL, STATE, AND NATIONAL REGULATORY STANDARDS AND ALL REQUIREMENTS IN THE PROJECT TECHNICAL SPECIFICATIONS.
- CONTRACTOR TO VERIFY WITH ENGINEER THAT THE REQUIRED GRADING/LAND DISTURBANCE AND DRIVEWAY PERMITS HAVE BEEN OBTAINED PRIOR TO BEGINNING CONSTRUCTION.
- ALL WORK MUST BE PERFORMED BY A NORTH CAROLINA LICENSED CONTRACTOR.
- CONTRACTOR IS RESPONSIBLE FOR LOCATING AND VERIFYING THE EXACT LOCATION AND ELEVATION FOR ALL UTILITIES PRIOR TO CONSTRUCTION; AND TO NOTIFY ENGINEER OF ANY CONFLICTS OR DISCREPANCIES. THE LOCATION OF SOME UTILITIES SHOWN ON THE PLANS HAVE BEEN APPROXIMATED. ALL BURIED UTILITIES HAVE NOT BEEN SHOWN ON THE PLANS AND IT IS THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THEIR LOCATION PRIOR TO CONSTRUCTION.
- CONTRACTOR SHALL PROTECT EXISTING SITE FEATURES CALLED OUT TO REMAIN DURING CONSTRUCTION. ANY DAMAGE INCURRED DURING OR RESULTING FROM CONSTRUCTION ACTIVITY IS THE RESPONSIBILITY OF THE CONTRACTOR AND IS TO BE REPAIRED IN ACCORDANCE WITH APPLICABLE STANDARDS OF APPROPRIATE AGENCIES AT THE CONTRACTOR'S EXPENSE.
- THE CONTRACTOR IS TO NOTIFY ALL UTILITY COMPANIES AT LEAST 72 HOURS BEFORE CONSTRUCTION ACTIVITY IS TO BEGIN. THE CONTRACTOR SHALL NOTIFY ULOCO AT 1-800-632-4949 OR 811, 72 HOURS BEFORE CONSTRUCTION BEGINS.
- EROSION CONTROL IS FIELD PERFORMANCE BASED AND CONTRACTOR SHALL INSTALL AND MAINTAIN ANY EROSION CONTROL MEASURES NECESSARY TO ASSURE MAXIMUM PROTECTION OF THE SITE DURING DEMOLITION AND CLEARING.
- CONTRACTOR TO COORDINATE TIMING OF DEMOLITION AND CONSTRUCTION WITH OWNER TO ENSURE EXISTING FACILITIES REMAIN ACCESSIBLE.
- ALL DEBRIS, STRUCTURES AND UTILITIES TO BE DEMOLISHED AND REMOVED FROM THE PROJECT SITE ARE NOT SHOWN ON THIS PLAN. ANY ADDITIONAL DEBRIS, STRUCTURES AND UTILITIES ENCOUNTERED DURING CONSTRUCTION, WHICH IN THE OPINION OF THE ENGINEER SHOULD BE DEMOLISHED AND REMOVED, SHALL BE DISPOSED OF OFF-SITE AT THE CONTRACTOR'S EXPENSE IN ACCORDANCE WITH APPLICABLE LOCAL, STATE AND FEDERAL REGULATIONS. CONTRACTOR IS RESPONSIBLE FOR OBTAINING ANY REQUIRED PERMITS.

EXISTING ASPHALT CART PATH TO REMAIN AND BE REPAIRED, AS NECESSARY (TYP)

APPROXIMATE LOCATION OF EXISTING GREASE TRAP TO REMAIN

EXISTING ASPHALT CART PATH TO BE REMOVED (TYP)

CONTRACTOR TO RELOCATE EXISTING UTILITIES IN THIS AREA

EXISTING WALKWAY TO REMAIN UNDISTURBED

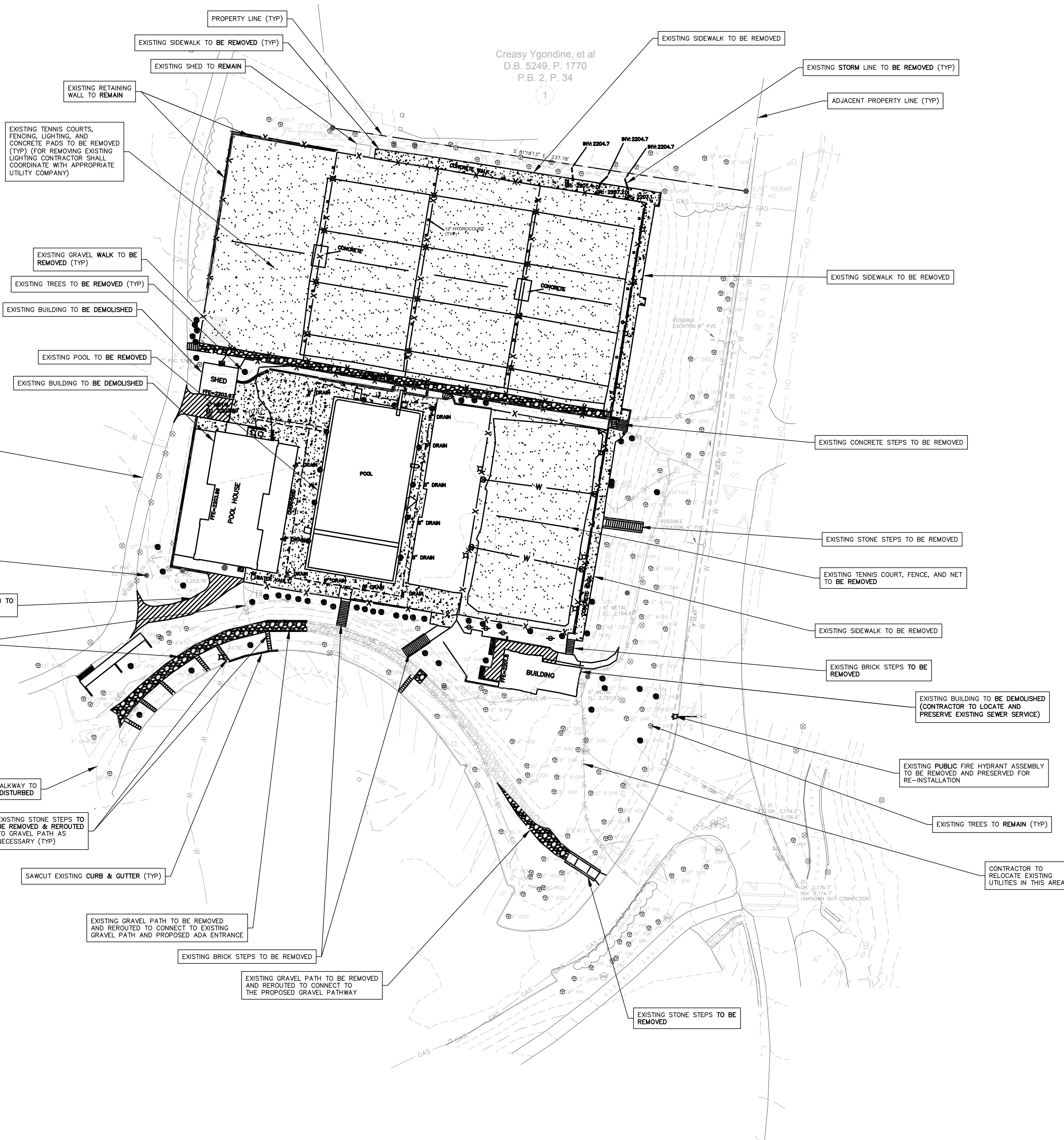
EXISTING STONE STEPS TO BE REMOVED & REROUTED TO GRAVEL PATH AS NECESSARY (TYP)

SAWCUT EXISTING CURB & GUTTER (TYP)

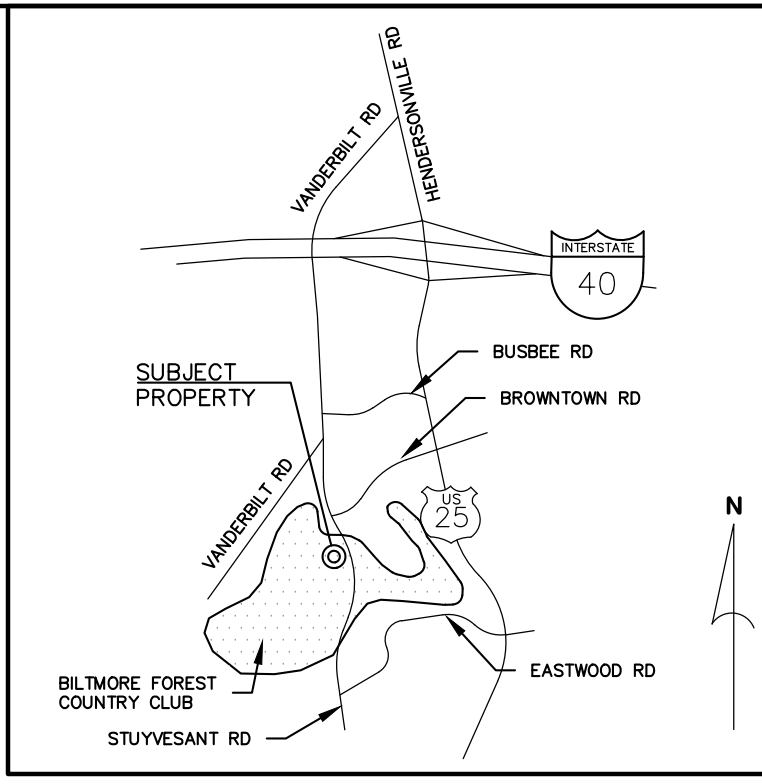
EXISTING GRAVEL PATH TO BE REMOVED AND REROUTED TO CONNECT TO EXISTING GRAVEL PATH AND PROPOSED ADA ENTRANCE

EXISTING BRICK STEPS TO BE REMOVED

EXISTING GRAVEL PATH TO BE REMOVED AND REROUTED TO CONNECT TO THE PROPOSED GRAVEL PATHWAY



Creasy Ygondine, et al
D.B. 5249, P. 1770
P.B. 2, P. 34



VICINITY MAP
(NOT TO SCALE)

DEVELOPMENT DATA

OWNER/DEVELOPER: BILTMORE FOREST COUNTRY CLUB INC
31 STUYVESANT RD
ASHEVILLE, NC, 28803
BOB NOCK
(828) 274-1261

CIVIL ENGINEER: CIVIL DESIGN CONCEPTS, P.A.
168 PATTON AVENUE
ASHEVILLE, NC 28801
MICHAEL GAIN, P.E.
(828) 252-5388

SURVEYOR: ED HOLMES & ASSOCIATES
300 RIDGEFIELD CT., STE 301
ASHEVILLE, NC 28806
ROBERT C. BROWN
(828) 225-6562

ARCHITECT: CHAPMAN COYLE CHAPMAN
9040 ROSWELL ROAD, SUITE 400
ATLANTA, GEORGIA 30350-1863
MICHAEL D. BEATTY
(678) 569-7721

PROJECT DATA

PIN: 9646-76-2927
ADDRESS: 31 STUYVESANT RD, BILTMORE FOREST
DEED BOOK/PAGE: 1780/0102
SITE ACREAGE: 135.18 ACRES
ZONING: R-1
DISTURBED AREA: 2.3 AC

BUILDING DATA:

BUILDING	DESCRIPTION	HEIGHT	GEA
FITNESS	FITNESS	±38'	8,242 SF
TENNIS/POOL	TENNIS	±38'	1,033 SF

IMPERVIOUS CALCULATIONS:

	IMPERVIOUS	PERVIOUS
PRE-DEVELOPMENT:	1.41 ACRES (70%)	0.59 ACRES (30%)
POST-DEVELOPMENT:	1.41 ACRES (70%)	0.59 ACRES (30%)

STREAM INFORMATION

STREAM INDEX: 6-72-1
STREAM NAME: BROWN BRANCH
DESCRIPTION: FROM SOURCE TO FOUR MILE BRANCH C
CLASSIFICATION:
DATE OF CLASS: JUNE 30 1973
RIVER BASIN: FRENCH BROAD

LANDSCAPING REQUIREMENTS: SEE L101 FOR LANDSCAPE PLAN

SOIL TYPE: Cud, UH
SOIL GROUP: B, A

EXISTING CONDITIONS & DEMOLITION LEGEND

PROPERTY LINE	---
RIGHT OF WAY LINE	- - - -
EXISTING PAVEMENT TO REMAIN	▨
EXISTING PAVEMENT TO BE REMOVED	▩
EXISTING GRAVEL TO REMAIN	▧
EXISTING GRAVEL TO BE REMOVED	▨
EXISTING TREES TO REMAIN	⊙
EXISTING TREES TO BE REMOVED	●
EXISTING SEWER	SS

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EXISTING CONDITIONS & DEMOLITION PLAN

GRAPHIC SCALE

168 PATTON AVENUE
ASHEVILLE, NC 28801
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FAX (828) 282-5388

52 WALNUT STREET - SUITE 9
WAYNESVILLE, NC 28776
PHONE (828) 482-4410
FAX (828) 482-5388

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NCBELS LICENSE #: C-2164

NO.	DATE	DESCRIPTION
1	01/28/21	CONCEPTUAL DESIGN
2	02/18/21	REVISED DD PRICING SET
3	06/30/21	CD SET

PRELIMINARY NOT FOR RELEASED FOR CONSTRUCTION

EXISTING CONDITIONS & DEMOLITION PLAN FOR:
BILTMORE FOREST COUNTRY CLUB
TOWN OF BILTMORE FOREST, NORTH CAROLINA

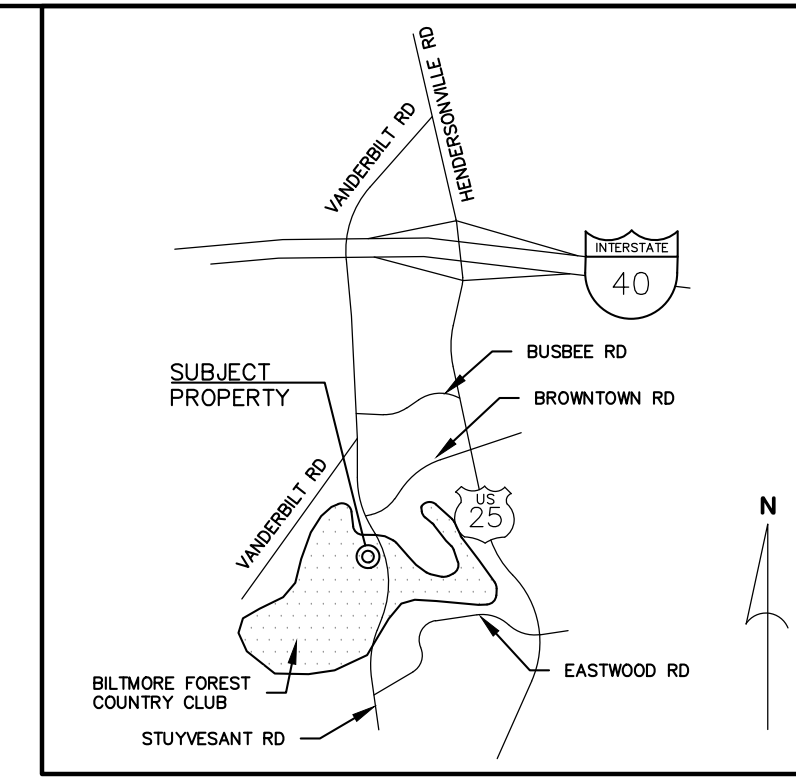
DRAWN BY: JTJ
CDC PROJECT NO.: 22012

SHEET
C101

NOTES

- ALL SITEWORK SHALL BE IN ACCORDANCE WITH ALL LOCAL, STATE, AND NATIONAL REGULATORY STANDARDS AND ALL REQUIREMENTS IN THE PROJECT TECHNICAL SPECIFICATIONS.
- SINGLE-PHASE CONSTRUCTION.
- ALL WORK MUST BE PERFORMED BY A NORTH CAROLINA LICENSED CONTRACTOR.
- CONTRACTOR IS RESPONSIBLE FOR LOCATING AND VERIFYING THE EXACT LOCATION AND ELEVATION FOR ALL UTILITIES PRIOR TO CONSTRUCTION; AND TO NOTIFY ENGINEER OF ANY CONFLICTS OR DISCREPANCIES. THE LOCATION OF SOME UTILITIES SHOWN ON THE PLANS HAVE BEEN APPROXIMATED. ALL BURIED UTILITIES HAVE NOT BEEN SHOWN ON THE PLANS AND IT IS THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THEIR LOCATION PRIOR TO CONSTRUCTION.
- CONTRACTOR SHALL PROTECT EXISTING SITE FEATURES (SHOWN TO REMAIN) AND NEWLY COMPLETED WORK DURING CONSTRUCTION. ANY DAMAGE INCURRED DURING OR RESULTING FROM CONSTRUCTION ACTIVITY IS THE RESPONSIBILITY OF THE CONTRACTOR AND IS TO BE REPAIRED IN ACCORDANCE WITH APPLICABLE STANDARDS OF APPROPRIATE AGENCIES AT THE CONTRACTOR'S EXPENSE.
- THE CONTRACTOR IS TO NOTIFY ALL UTILITY COMPANIES AT LEAST 72 HOURS BEFORE CONSTRUCTION ACTIVITY IS TO BEGIN. THE CONTRACTOR SHALL NOTIFY ULOCO AT 1-800-632-4949 OR 811, 72 HOURS BEFORE CONSTRUCTION BEGINS.
- SIDEWALKS SHALL BE CONSTRUCTED IN ORDER TO PROVIDE POSITIVE DRAINAGE AWAY FROM ALL STRUCTURES. A MAXIMUM OF 5% SIDEWALK/CROSSWALK LONGITUDINAL SLOPE IS PERMITTED. A MAXIMUM OF 1/4" PER FOOT SIDEWALK/CROSSWALK CROSS SLOPE IS PERMITTED. ANY SIDEWALK/CROSSWALK INSTALLED WITH A STEEPER SLOPE SHALL BE REMOVED AND REPLACED AT CONTRACTOR'S EXPENSE.
- ALL ROAD/PARKING LOT IMPROVEMENTS, STRIPING AND SIGNAGE SHALL BE IN ACCORDANCE WITH THE LATEST MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD). CONTRACTOR MAY USE A PAINT SUITABLE FOR ASPHALT APPLICATION IN LIEU OF THERMOPLASTIC WITH PRIOR APPROVAL FROM THE ENGINEER.
- CURB END TREATMENT TO BE APPLIED TO ALL CURB ENDS. REFER TO CURB END TREATMENT DETAIL.

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P.B. 2, P. 34



168 PATTON AVENUE
ASHEVILLE, NC 28801
PHONE (828) 452-4410
FAX (828) 252-5385

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WAYNESVILLE, NC 28786
PHONE (828) 452-4410
FAX (828) 252-5385

CDC Civil Design Concepts, PA
www.civildesignconcepts.com

NCBELS LICENSE #: C-2164

DEVELOPMENT DATA

OWNER/DEVELOPER: BILTMORE FOREST COUNTRY CLUB INC
31 STUYVESANT RD
ASHEVILLE, NC, 28803
BOB NOCK
(828) 274-1261

CONTACT:

CIVIL ENGINEER: CIVIL DESIGN CONCEPTS, P.A.
168 PATTON AVENUE
ASHEVILLE, NC 28801
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CONTACT:

ARCHITECT: CHAPMAN COYLE CHAPMAN
9040 ROSWELL ROAD, SUITE 400
ATLANTA, GEORGIA 30350-1863
MICHAEL D. BEATTY
(678) 569-7721

CONTACT:

PROJECT DATA

PN: 9646-76-2927
ADDRESS: 31 STUYVESANT RD, BILTMORE FOREST
1780/0102
DEED BOOK/PAGE: 1780/0102
SITE ACREAGE: 135.18 ACRES
ZONING: R-1
DISTURBED AREA: 2.3 AC

BUILDING DATA:

BUILDING	DESCRIPTION	HEIGHT	GEA
FITNESS	FITNESS	±38'	8,242 SF
TENNIS/POOL	TENNIS	±38'	1,033 SF

IMPERVIOUS CALCULATIONS:

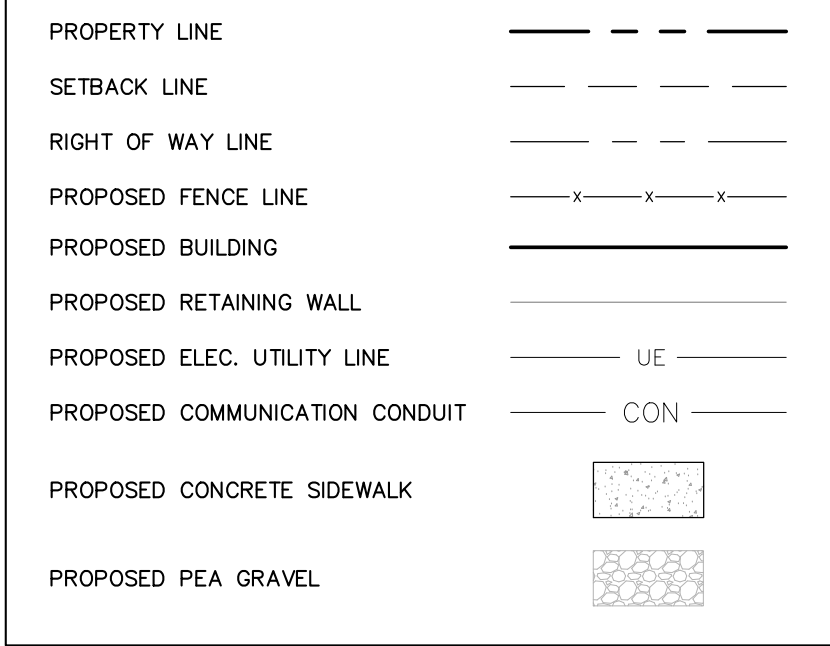
	IMPERVIOUS	PERVIOUS
PRE-DEVELOPMENT:	1.41 ACRES (70%)	0.59 ACRES (30%)
POST-DEVELOPMENT:	1.41 ACRES (70%)	0.59 ACRES (30%)

STREAM INFORMATION:
STREAM INDEX: 6-72-1
STREAM NAME: BROWN BRANCH
DESCRIPTION: FROM SOURCE TO FOUR MILE BRANCH
CLASSIFICATION: C
DATE OF CLASS: JUNE 30 1973
RIVER BASIN: FRENCH BROAD

LANDSCAPING REQUIREMENTS: SEE L101 FOR LANDSCAPE PLAN

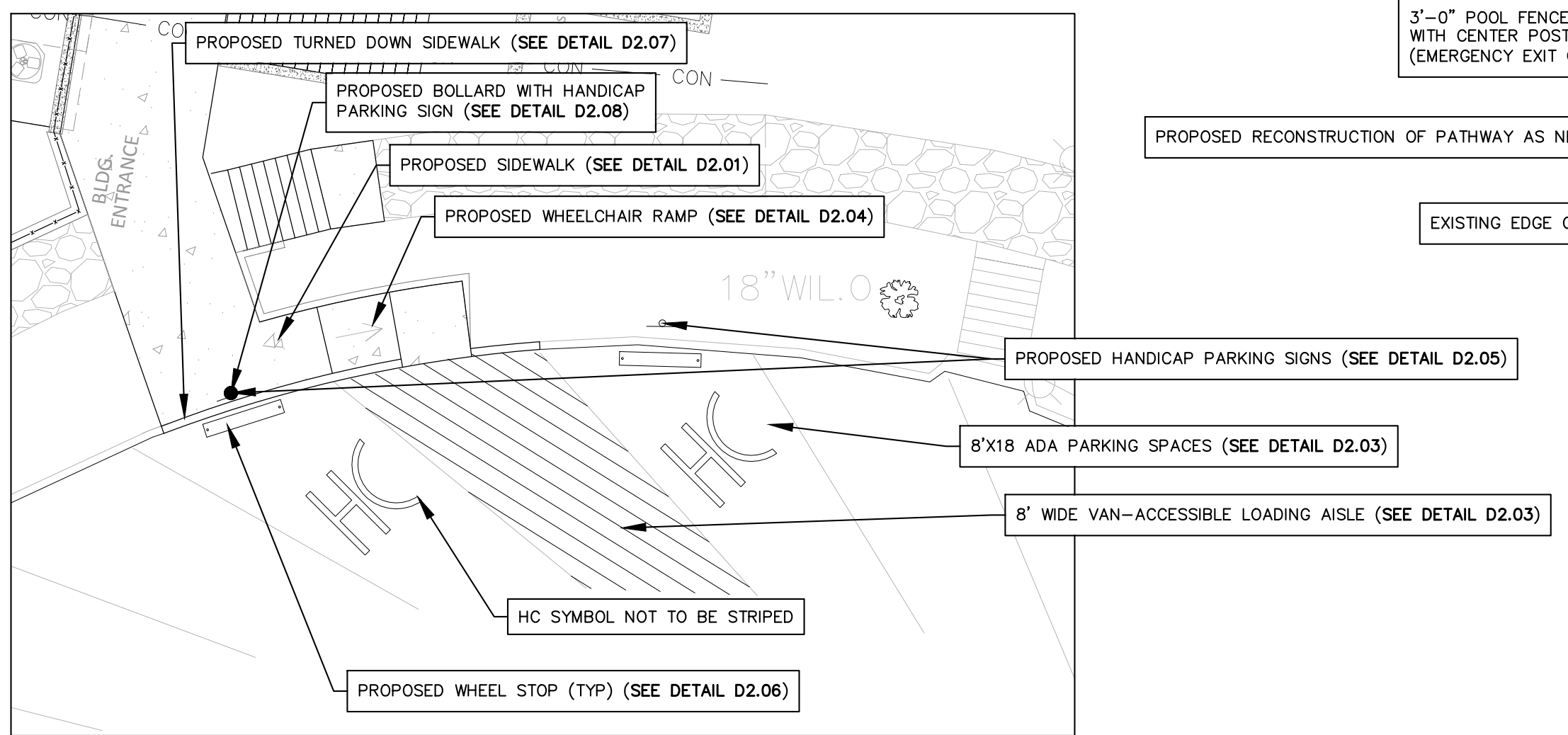
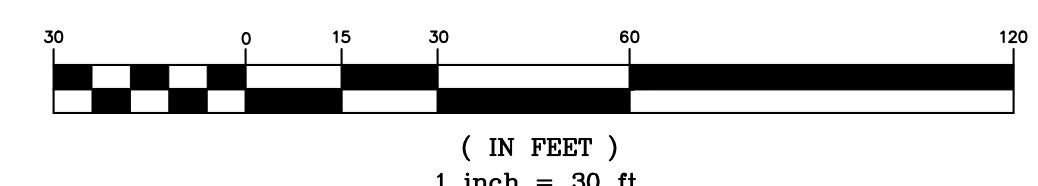
SOIL TYPE: Cud, UH
SOIL GROUP: B, A

SITE LEGEND



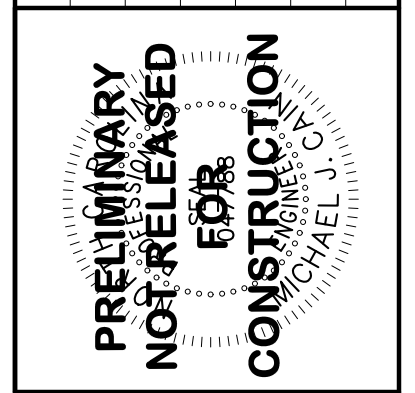
SITE PLAN

GRAPHIC SCALE



INSET 'A'
SCALE 1"=10'

NO.	DATE	DESCRIPTION
1	01/25/21	CONCEPTUAL DESIGN
2	02/16/21	REVISED DD PRICING SET
3	06/30/21	CD SET



SITE PLAN FOR:
BILTMORE FOREST COUNTRY CLUB
BILTMORE FOREST COUNTRY CLUB INC - TOWN OF BILTMORE FOREST, NORTH CAROLINA

DRAWN BY: JTJ
CDC PROJECT NO.: 22012

SHEET
C201

NOTES

- SEE GRADING, EROSION CONTROL, AND STORM DRAINAGE DETAIL SHEETS FOR ALL GENERAL NOTES, CONTRACTOR RESPONSIBLE FOR INCLUSION OF DETAILS SHEETS WITH ALL PLANS.
- NO PORTION OF THIS PROJECT LIES WITHIN THE 100-YR FEMA FLOODPLAIN.
- SOIL TYPE:** CuD, UH.
- RETAINING WALLS:**
ALL RETAINING WALL ELEVATIONS SHOWN ARE FROM TOP OF WALL TO FINISH GRADE ELEVATION. CONTRACTOR TO ACCOUNT FOR FOOTER/COVER OVER FOOTER. REFER TO WALL DESIGN FOR FOOTER DESIGN. WALL DESIGN TO ALSO ACCOMMODATE STORM PIPE PENETRATIONS PER PLANS.
WALL DESIGN TO INCLUDE FOOTING DRAIN AND MINIMUM WIDTH OF 12" OF #57 WASHED STONE BEHIND DRAIN FROM BOTTOM TO TOP OF WALL.
ALL RETAINING WALLS PROVIDING A CHANGE OF GRADE OF 30" OR MORE SHALL BE PROTECTED WITH A GUARDRAIL. THE GUARDRAIL SHALL BE 42" MINIMUM IN HEIGHT, AND PREVENT THE PASSAGE OF A 21" SPHERE UNLESS ADJACENT TO A WALKING SURFACE. COORDINATE BARRIER STYLE AND COLOR WITH ARCHITECT AND ENGINEER. SEE SITE PLAN FOR APPROXIMATE LOCATION OF FENCING/BARRIERS.
CONTRACTOR TO SUBMIT TO OWNER AND ENGINEER FOR REVIEW PRIOR TO ORDERING MATERIALS. CONTRACTOR TO COORDINATE WALL STYLE AND COLOR WITH ARCHITECT AND ENGINEER.
CONTRACTOR RESPONSIBLE FOR OBTAINING BUILDING PERMIT FOR ALL RETAINING WALLS PRIOR TO ORDERING MATERIALS OR CONSTRUCTION. CONTRACTOR RESPONSIBLE FOR CONSTRUCTING RETAINING WALLS IN ACCORDANCE WITH ALL WALL MANUFACTURERS STANDARDS AND SPECIFICATIONS.
ALL RETAINING WALLS 4' OR GREATER TO BE SUBMITTED TO THE TOWN OF BILTMORE FOREST BUILDING SAFETY DIVISION FOR REVIEW AND APPROVAL AND CERTIFIED BY THE WALL ENGINEER UPON COMPLETION. RETAINING WALLS SUBJECT TO ADDITIONAL LANDSCAPING DEPENDING ON HEIGHT AND MATERIAL.

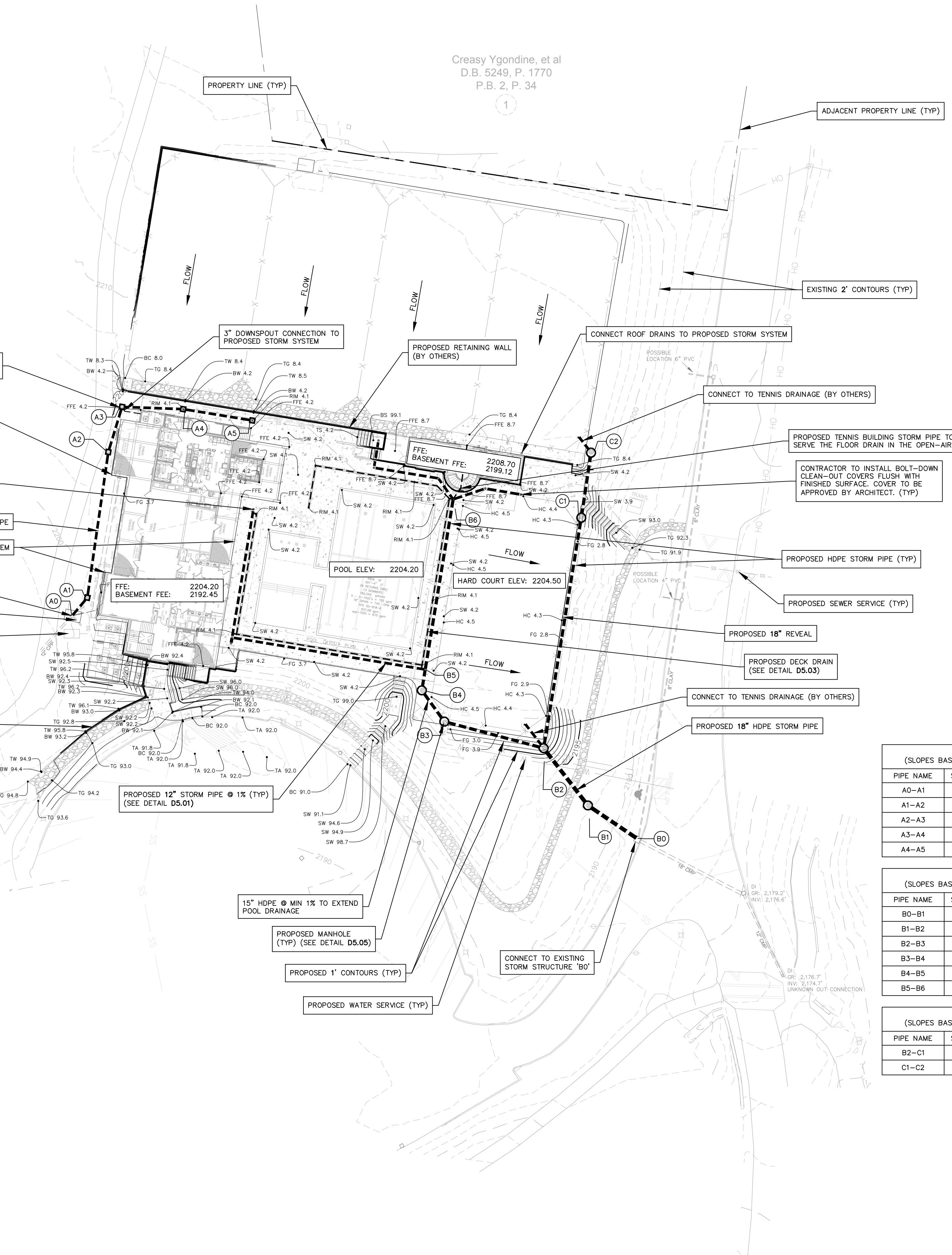
ALL DOWNSPOUT COLLECTOR PIPES SHALL BE HDPE WITH PUSH-ON WATER-TIGHT JOINTS, WYES, FITTINGS AND COUPLINGS AS REQUIRED TO TIE-IN ALL DOWNSPOUT LEADERS AND ROOF DRAINS FROM THE BUILDINGS. COLLECTOR PIPES SHALL HAVE 18" MIN. COVER AND BE AT 1.0% MIN. SLOPE (TYP). CONTRACTOR TO COORDINATE CONNECTION LOCATIONS WITH ARCHITECTURAL PLANS. (SEE DETAIL D5.06)

CONTRACTOR TO FILL EXISTING POOL DRAIN WITH FLOWABLE FILL AND ABANDON IN PLACE.

STRUCTURE TABLE (INVERTS BASED ON 2D LENGTH TO INSIDE EDGES)				
STRUCTURE	STATION	STRUCTURE DETAILS	DEPTH	DESCRIPTION
A0	10+00	RIM 2197.9 INV. IN 2196.7 (A0-A1)	3.4'±	Null Structure
A1	10+12	RIM 2202.3 INV. IN 2197.1 (A1-A2) INV. OUT 2197.1 (A0-A1)	5.2'±	GRATE INLET
A2	10+88	RIM 2203.3 INV. IN 2199.7 (A2-A3) INV. OUT 2199.7 (A1-A2)	3.6'±	GRATE INLET
A3	11+13	RIM 2204.0 INV. IN 2200.0 (A3-A4) INV. OUT 2200.0 (A2-A3)	4.0'±	GRATE INLET
A4	11+44	RIM 2204.1 INV. IN 2200.3 (A4-A5) INV. OUT 2200.3 (A3-A4)	3.8'±	GRATE INLET
A5	11+80	RIM 2204.1 INV. OUT 2201.0 (A4-A5)	3.1'±	GRATE INLET

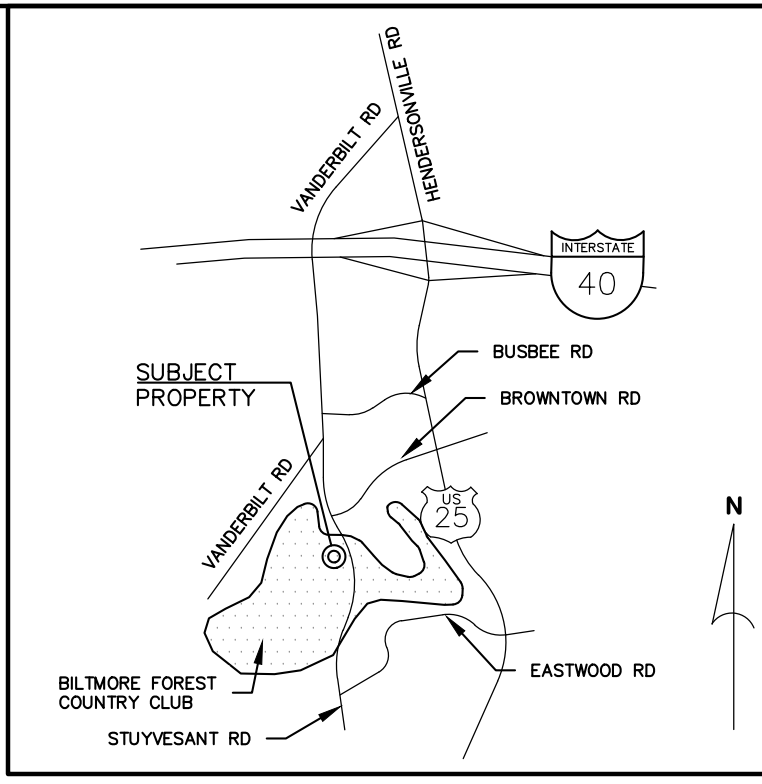
STRUCTURE TABLE (INVERTS BASED ON 2D LENGTH TO INSIDE EDGES)				
STRUCTURE	STATION	STRUCTURE DETAILS	DEPTH	DESCRIPTION
B0	10+00	RIM 2184.3 INV. IN 2181.9 (B0-B1)	2.5'±	EXISTING STORM STRUCTURE
B1	10+31	RIM 2192.3 INV. IN 2185.6 (B1-B2) INV. OUT 2185.6 (B0-B1)	6.6'±	MANHOLE
B2	10+68	RIM 2201.5 INV. IN 2190.5 (B2-B3) INV. IN 2197.1 (B2-C1) INV. OUT 2189.9 (B1-B2)	11.8'±	MANHOLE
B3	11+21	RIM 2204.4 INV. IN 2191.8 (B3-B4) INV. OUT 2191.0 (B2-B3)	13.9'±	MANHOLE
B4	11+41	RIM 2204.5 INV. IN 2192.5 (B4-B5) INV. OUT 2191.9 (B3-B4)	13.3'±	MANHOLE
B5	11+52	RIM 2204.1 INV. IN 2192.7 (B5-B6) INV. OUT 2192.6 (B4-B5)	11.7'±	CLEANOUT
B6	12+41	RIM 2204.1 INV. OUT 2193.6 (B5-B6)	11.0'±	CLEANOUT

STRUCTURE TABLE (INVERTS BASED ON 2D LENGTH TO INSIDE EDGES)				
STRUCTURE	STATION	STRUCTURE DETAILS	DEPTH	DESCRIPTION
C1	11+19	RIM 2203.4 INV. IN 2200.1 (C1-C2) INV. OUT 2200.1 (B2-C1)	3.8'±	MANHOLE
C2	11+53	RIM 2207.0 INV. OUT 2201.4 (C1-C2)	5.7'±	MANHOLE



FINE GRADING LEGEND

- BC - BOTTOM OF CURB
- BW - BOTTOM OF WALL
- FFE - FINISH GRADE ELEV.
- FG - FINISH GRADE
- HC - HARD COURT
- SW - SIDEWALK
- TA - TOP OF ASPHALT
- TG - TOP OF GRAVEL
- TC - TOP OF CURB
- TW - TOP OF WALL



DEVELOPMENT DATA

OWNER/DEVELOPER: BILTMORE FOREST COUNTRY CLUB INC
31 STUYVESANT RD
ASHEVILLE, NC, 28803
BOB NOCK
(828) 274-1261

CIVIL ENGINEER: CIVIL DESIGN CONCEPTS, P.A.
168 PATTON AVENUE
ASHEVILLE, NC 28801
MICHAEL GAIN, P.E.
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SURVEYOR: ED HOLMES & ASSOCIATES
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ARCHITECT: CHAPMAN COYLE CHAPMAN
9040 ROSWELL ROAD, SUITE 400
ATLANTA, GEORGIA 30350-1863
MICHAEL D. BEATTY
(678) 569-7721

PROJECT DATA

PIN: 9646-76-2927
ADDRESS: 31 STUYVESANT RD, BILTMORE FOREST
DEED BOOK/PAGE: 1780/0102
SITE ACREAGE: 135.18 ACRES
ZONING: R-1
DISTURBED AREA: 2.3 AC

BUILDING DATA:

BUILDING	DESCRIPTION	HEIGHT	GEA
FITNESS	FITNESS	±38'	8,242 SF
TENNIS/POOL	TENNIS	±38'	1,033 SF

IMPERVIOUS CALCULATIONS:

PRE-DEVELOPMENT:	IMPERVIOUS	PERVIOUS
1.41 ACRES (70%)	0.59 ACRES (30%)	
POST-DEVELOPMENT:	1.41 ACRES (70%)	0.59 ACRES (30%)

STREAM INFORMATION
STREAM INDEX: 6-72-1
STREAM NAME: BROWN BRANCH
DESCRIPTION: FROM SOURCE TO FOUR MILE BRANCH C
CLASSIFICATION: JUNE 30 1973
DATE OF CLASS: FRENCH BROAD
RIVER BASIN:

LANDSCAPING REQUIREMENTS: SEE L101 FOR LANDSCAPE PLAN

SOIL TYPE: CuD, UH
SOIL GROUP: B, A

**PIPE TABLE
(SLOPES BASED ON 2D LENGTH TO INSIDE EDGES)**

PIPE NAME	SIZE	LENGTH	SLOPE	MATERIAL
A0-A1	12"	11'	3.4%	HDPE
A1-A2	12"	74'	3.5%	HDPE
A2-A3	12"	22'	1.1%	HDPE
A3-A4	12"	30'	1.1%	HDPE
A4-A5	12"	34'	2.1%	HDPE

**PIPE TABLE
(SLOPES BASED ON 2D LENGTH TO INSIDE EDGES)**

PIPE NAME	SIZE	LENGTH	SLOPE	MATERIAL
B0-B1	18"	27'	14.2%	HDPE
B1-B2	18"	34'	12.2%	HDPE
B2-B3	15"	49'	1.1%	HDPE
B3-B4	15"	16'	1.1%	HDPE
B4-B5	15"	8'	1.0%	HDPE
B5-B6	15"	87'	1.0%	HDPE

**PIPE TABLE
(SLOPES BASED ON 2D LENGTH TO INSIDE EDGES)**

PIPE NAME	SIZE	LENGTH	SLOPE	MATERIAL
B2-C1	15"	117'	2.6%	HDPE
C1-C2	15"	30'	4.3%	HDPE

STORM DRAINAGE & GRADING LEGEND

- EXISTING STORM PIPE: ---
- EXISTING STORM STRUCTURE: □
- PROPOSED STORM PIPE: - - - - -
- PROPOSED JUNCTION BOX: □
- EXISTING CONTOURS: 00
- PROPOSED CONTOURS: 00
- PROPOSED CLEANOUT: *

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NORTH

STORM DRAINAGE & GRADING PLAN

GRAPHIC SCALE
1 inch = 30 ft.

168 PATTON AVENUE
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FAX (828) 252-5388

52 WALNUT STREET - SUITE 9
WAYNESVILLE, NC 28786
PHONE (828) 462-4410
FAX (828) 468-9585

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www.civildesignconcepts.com

NCBELS LICENSE #: C-2164

NO.	DATE	DESCRIPTION
1	01/28/21	CONCEPTUAL DESIGN
2	02/18/21	REVISED DD PRICING SET
3	06/30/21	CD SET

PRELIMINARY NOT FOR RELEASED FOR CONSTRUCTION

STORM DRAINAGE & GRADING PLAN FOR:
BILTMORE FOREST COUNTRY CLUB
TOWN OF BILTMORE FOREST, NORTH CAROLINA

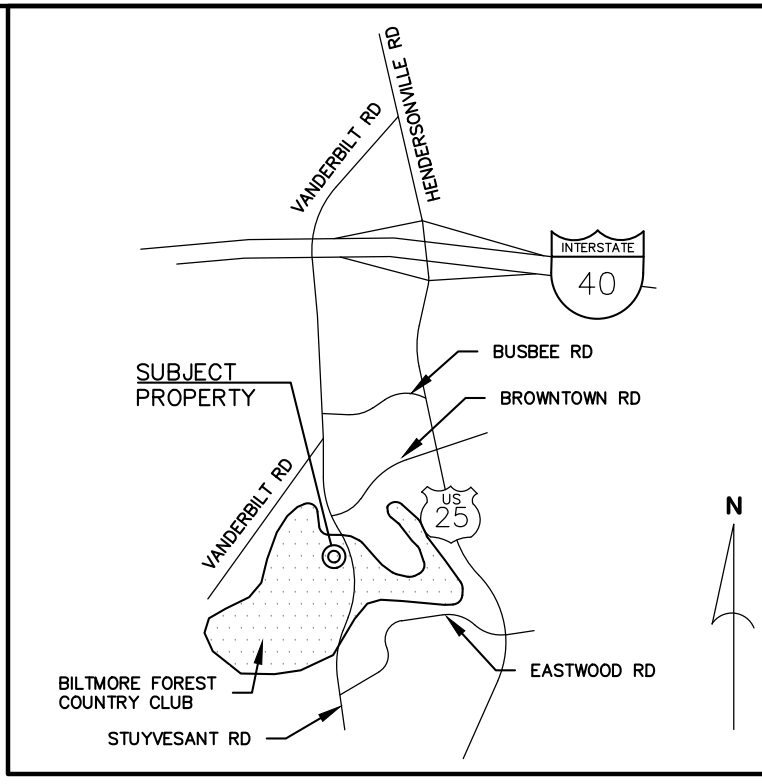
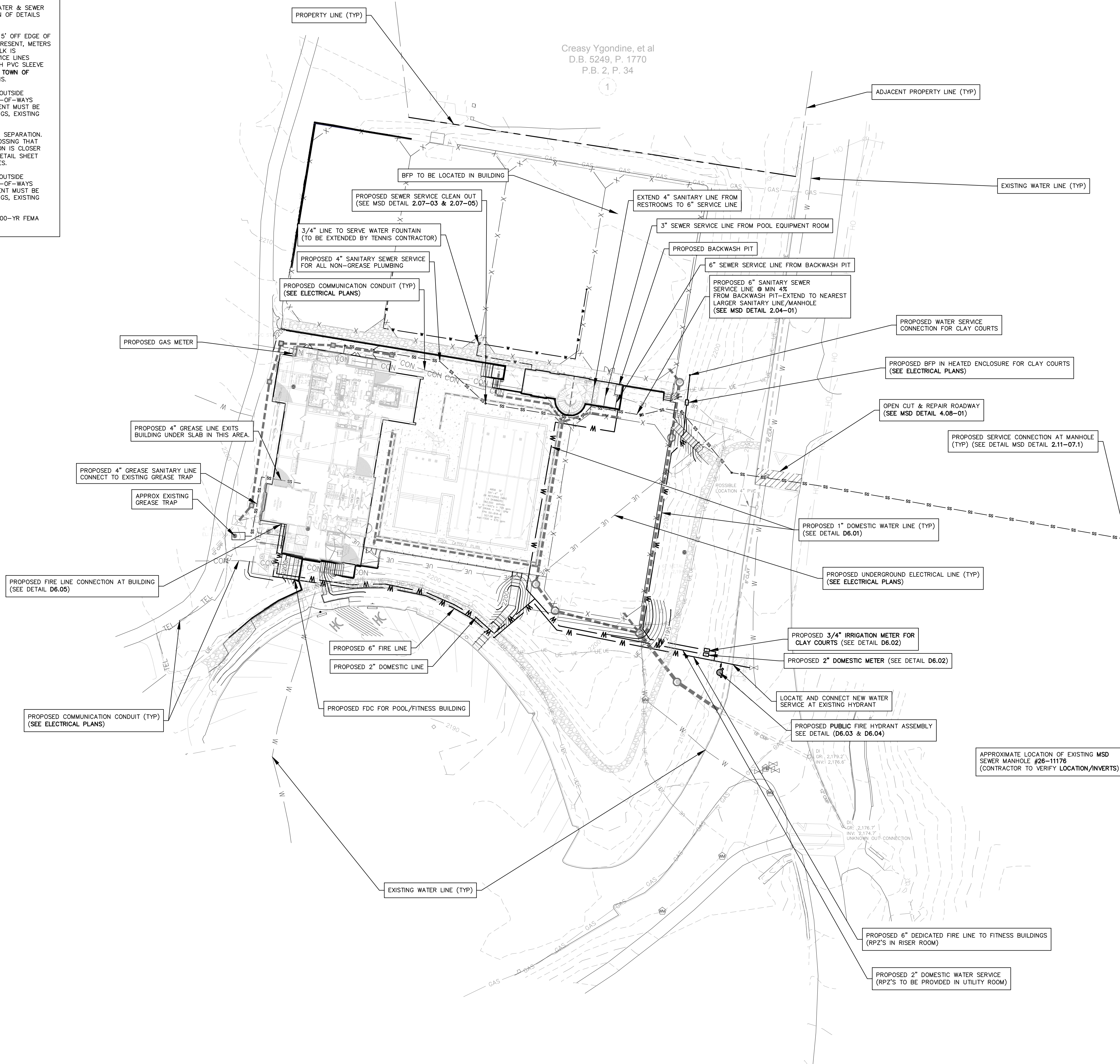
DRAWN BY: JTJ
CDC PROJECT NO.: 22012

SHEET
C501

NOTES

- SEE UTILITY DETAIL SHEETS FOR ALL GENERAL WATER & SEWER NOTES. CONTRACTOR RESPONSIBLE FOR INCLUSION OF DETAILS SHEETS WITH ALL UTILITY PLANS.
- WATER METERS ARE TO BE PLACED MAXIMUM OF 5' OFF EDGE OF PAVEMENT/SIDEWALK. WHEN A UTILITY STRIP IS PRESENT, METERS SHALL BE INSTALLED WITHIN STRIP. WHEN SIDEWALK IS CONSTRUCTED AND NO STRIP IS AVAILABLE, SERVICE LINES CROSSING SIDEWALK SHALL BE CONSTRUCTED WITH PVC SLEEVE EXTENDING 6" ON EITHER SIDE OF SIDEWALK PER TOWN OF BILTMORE FOREST STANDARDS AND SPECIFICATIONS.
- TYPICAL EASEMENTS FOR WATER LINES LOCATED OUTSIDE ESTABLISHED UTILITY EASEMENTS OR ROAD RIGHT-OF-WAYS SHALL BE A 20 FEET. THE ENTIRE WATER EASEMENT MUST BE CLEAR AND REMAINED CLEARED OF TREE PLANTINGS, EXISTING TREES, AND ANY PERMANENT STRUCTURES.
- CROSSINGS TO MAINTAIN MSD REQUIRED VERTICAL SEPARATION. CONTRACTOR TO CONTACT ENGINEER ON ANY CROSSING THAT DOES NOT MEET THIS SEPARATION, OR SEPARATION IS CLOSER THAN 1'. REFER TO GENERAL NOTES ON SEWER DETAIL SHEET FOR SEPARATION REQUIREMENTS BETWEEN UTILITIES.
- TYPICAL EASEMENTS FOR SEWER LINES LOCATED OUTSIDE ESTABLISHED UTILITY EASEMENTS OR ROAD RIGHT-OF-WAYS SHALL BE AS SHOWN. THE ENTIRE SEWER EASEMENT MUST BE CLEAR AND REMAINED CLEARED OF TREE PLANTINGS, EXISTING TREES, AND ANY PERMANENT STRUCTURES.
- NO PORTION OF THIS PROJECT LIES WITHIN THE 100-YR FEMA FLOODPLAIN.

Creasy Ygondine, et al
D.B. 5249, P. 1770
P.B. 2, P. 34



DEVELOPMENT DATA

OWNER/DEVELOPER: BILTMORE FOREST COUNTRY CLUB INC
31 STUYVESANT RD
ASHEVILLE, NC, 28803
BOB NOCK
(828) 274-1261

CIVIL ENGINEER: CIVIL DESIGN CONCEPTS, P.A.
168 PATTON AVENUE
ASHEVILLE, NC 28801
MICHAEL GAIN, P.E.
(828) 252-5385

SURVEYOR: ED HOLMES & ASSOCIATES
300 RIDGEFIELD CT., STE 301
ASHEVILLE, NC 28806
ROBERT C. BROWN
(828) 225-6562

ARCHITECT: CHAPMAN COYLE CHAPMAN
9040 ROSWELL ROAD, SUITE 400
ATLANTA, GEORGIA 30350-1863
MICHAEL D. BEATTY
(678) 569-7721

PROJECT DATA

PIN: 9646-76-2927
ADDRESS: 31 STUYVESANT RD, BILTMORE FOREST
DEED BOOK/PAGE: 1780/0102
SITE ACREAGE: 135.18 ACRES
ZONING: R-1
DISTURBED AREA: 2.3 AC

BUILDING DATA:

BUILDING	DESCRIPTION	HEIGHT	GEA
FITNESS	FITNESS	±38'	8,242 SF
TENNIS/POOL	TENNIS	±38'	1,033 SF

IMPERVIOUS CALCULATIONS:

PRE-DEVELOPMENT:	IMPERVIOUS	PERVIOUS
1.41 ACRES (70%)	0.59 ACRES (30%)	
POST-DEVELOPMENT:	1.41 ACRES (70%)	0.59 ACRES (30%)

STREAM INFORMATION

STREAM INDEX: 6-72-1
STREAM NAME: BROWN BRANCH
DESCRIPTION: FROM SOURCE TO FOUR MILE BRANCH
CLASSIFICATION: C
DATE OF CLASS: JUNE 30 1973
RIVER BASIN: FRENCH BROAD

LANDSCAPING REQUIREMENTS: SEE L101 FOR LANDSCAPE PLAN

SOIL TYPE: Cud, UH
SOIL GROUP: B, A

UTILITY LEGEND

EXISTING WATERLINE	— W —
EXISTING WATER METER	⊕
EXISTING FIRE HYDRANT	⊕
EXISTING GREASE TRAP	⊕
PROPOSED WATER LINE	— W —
PROPOSED WATER SERVICE	— W —
PROPOSED WATER METER	⊕
PROPOSED FIRE HYDRANT	⊕
PROPOSED GATE VALVE	⊕
EXISTING SEWER LINE	— SS —
EXISTING SEWER CLEANOUT	●
PROPOSED SEWER SERVICE	— SS —
PROPOSED SEWER CLEANOUT	○

811
Know what's below.
Call before you dig.

NORTH

UTILITY PLAN

GRAPHIC SCALE

(IN FEET)
1 inch = 30 ft.

168 PATTON AVENUE
ASHEVILLE, NC 28801
PHONE (828) 452-4410
FAX (828) 252-5385

52 WALNUT STREET - SUITE 9
WAYNESVILLE, NC 28786
PHONE (828) 452-4410
FAX (828) 452-5385

CDC Civil Design Concepts, PA
www.civildesignconcepts.com

NCBELS LICENSE #: C-2164

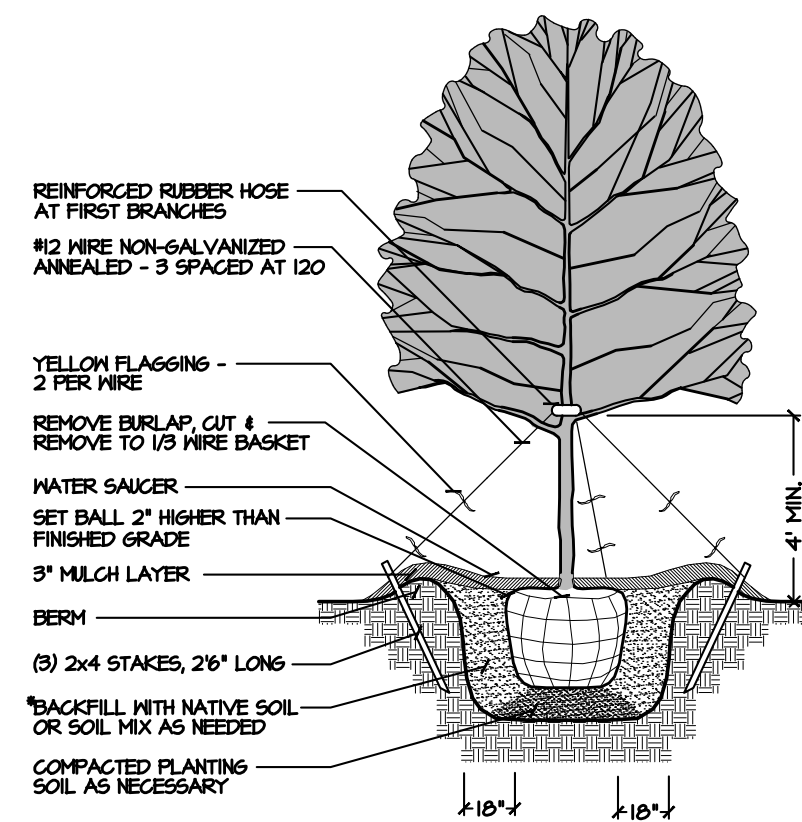
NO.	DATE	DESCRIPTION
1	01/25/21	CONCEPTUAL DESIGN
2	02/19/21	REVISED DD PRICING SET
3	06/30/21	CD SET

PRELIMINARY NOT RELEASED FOR CONSTRUCTION

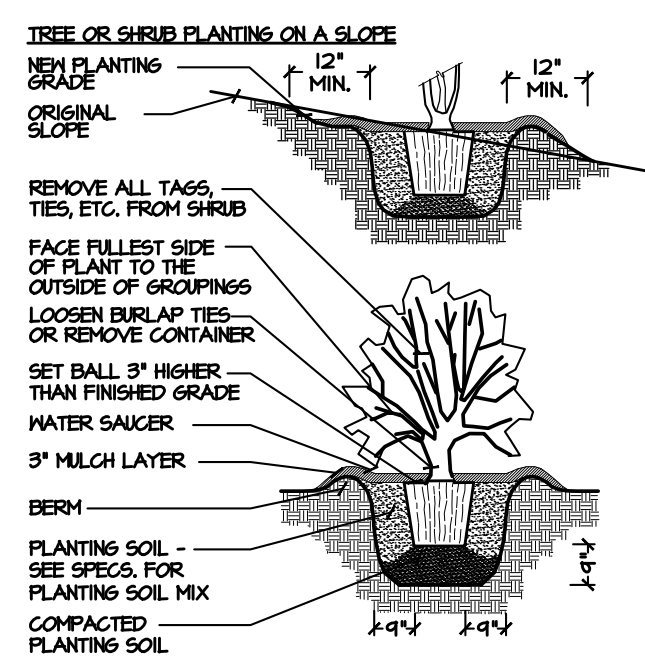
UTILITY PLAN FOR:
BILTMORE FOREST COUNTRY CLUB
BILTMORE FOREST COUNTRY CLUB INC - TOWN OF BILTMORE FOREST, NORTH CAROLINA

DRAWN BY: JTJ
CDC PROJECT NO.: 22012

SHEET
C601



1 TREE PLANTING
LI Not to Scale



2 SHRUB PLANTING
LI Not to Scale

EXISTING TREES TO BE REMOVED			
DBH SIZE	SPECIES	PROTECTED?	# OF TREES NEEDED TO REPLACE
15"	HOLLY	YES	3
16"	HOLLY	YES	3
16"	HOLLY	YES	3
6"	DOG	YES	2
8"	OAK	YES	2
6"	DOG	YES	2
18"	HEM	YES	3
6"	DOG	YES	2
12"	HICK	YES	2
6"	DOG	YES	2
31"	OAK	YES	5
6"	DOG	YES	2
20"	OAK	YES	4
22"	W. PIN	YES	4
20"	HEM	YES	4
15"	OAK	YES	3
17"	PINE	YES	3
10"	BCH	YES	2
6"	CEDAR	YES	2
6"	CEDAR	YES	2
6"	JUN	YES	2
32"	R. MAP	YES	5
20"	HEM	YES	4
14"	T. MAP	YES	3
12"	T. MAP	YES	2
14"	WIL. O	YES	3
15"	WIL. O	YES	3
24"	HEM	YES	4
16"	WIL. O	YES	3
TOTAL REPLACEMENT TREES			84
TOTAL TREES PROVIDED			97

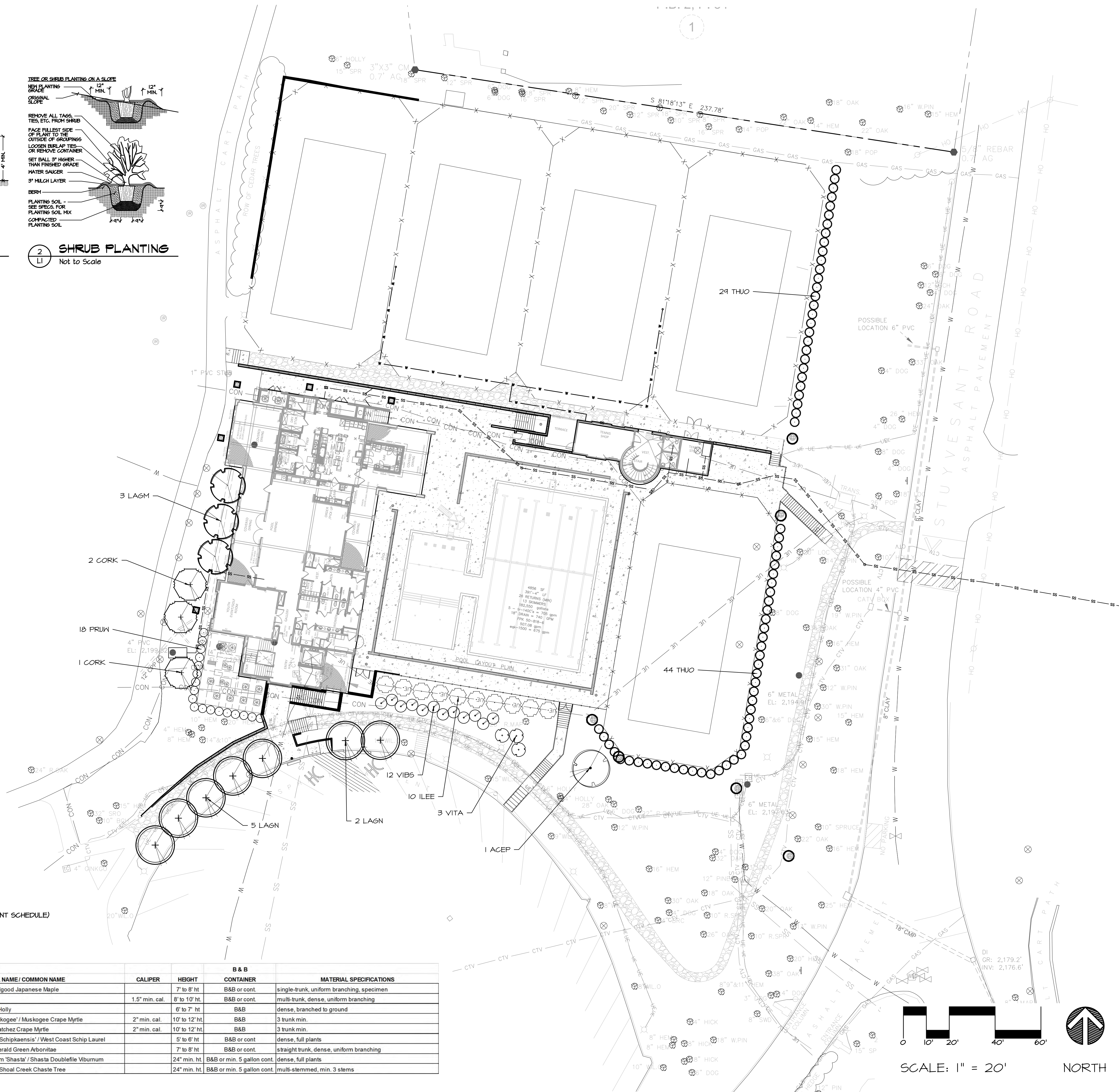
SEE SHEET C101 FOR LOCATIONS OF EXISTING TREES TO BE REMOVED

PLANTING LEGEND



PLANT SCHEDULE

KEY	QTY	BOTANICAL NAME / COMMON NAME	CALIPER	HEIGHT	B & B CONTAINER	MATERIAL SPECIFICATIONS
ACEP	1	Acer palmatum 'Bloodgood' / Bloodgood Japanese Maple		7' to 8' ht	B&B or cont.	single-trunk, uniform branching, specimen
CORK	3	Cornus kousa / Kousa Dogwood	1.5" min. cal.	8' to 10' ht	B&B or cont.	multi-trunk, dense, uniform branching
ILEE	10	Ilex x 'Emily Bruner' / Emily Bruner Holly		6' to 7' ht	B&B	dense, branched to ground
LAGM	3	Lagerstroemia indica x fauriei / Muskogee / Muskogee Crape Myrtle	2" min. cal.	10' to 12' ht	B&B	3 trunk min.
LAGN	7	Lagerstroemia indica 'Natchez' / Natchez Crape Myrtle	2" min. cal.	10' to 12' ht	B&B	3 trunk min.
PRUW	18	Prunus laurocerasus 'West Coast Schipkaensis' / West Coast Schip Laurel		5' to 6' ht	B&B or cont.	dense, full plants
THUO	73	Thuja occidentalis 'Smaragd' / Emerald Green Arborvitae		7' to 8' ht	B&B or cont.	straight trunk, dense, uniform branching
VBS	12	Viburnum plicatum var. tomentosum 'Shasta' / Shasta Doublefile Viburnum		24" min. ht	B&B or min. 5 gallon cont.	dense, full plants
VTS	3	Vitex agnus-castus 'Shoal Creek' / Shoal Creek Chaste Tree		24" min. ht	B&B or min. 5 gallon cont.	multi-stemmed, min. 3 stems



NORTH



REVISIONS:

BOARD OF ADJUSTMENT STAFF MEMORANDUM

July 26, 2021



Case 3 – 9 Holly Hill Road Special Use Permit Interpretation and Request– Soccer Goal in Rear Yard

Background

The owners at 9 Holly Hill Road received approval from the Board of Adjustment in May 2018 for a significant landscaping, pool, and exterior renovation. The plans presented, and approved, by the Board included a new retaining wall, renovated pool decking, a fence around the pool, and a fire pit area. A copy of the original submission to the Town and minutes from the May 2018 meeting are included for the Board's review.

Review by the Town

During fall 2019, Town planning staff initiated a review with the owner regarding installation of artificial turf on the playing field. The previous approval noted fescue for the playing field (a pervious surface). Emails between the owner and Town Planner (provided by the owner and attached to this memorandum) show the owners belief that the turf installation complied with the Town's pervious requirements. Additional review verified the pervious nature of the field turf. During this email conversation, the homeowner noted the installation of 20" tall raised beds (not requiring zoning approval) and stated the beds would flank a "soccer goal". This was the first mention of the soccer goal for the property. The homeowner provided a revised site plan (attached) showing the new turf field and raised beds but did not include the soccer goal on the revised plan.

Determination of Soccer Goal as Accessory Structure

As noted in the email exchange, the soccer goal referenced was not described nor was clarification sought by the Town. The applicant did follow up with the Town Planner and asked if any additional permits were necessary. In 2021, during the course of routine code enforcement inspections and responding to questions, staff noted the presence of the large soccer goal currently in place at 9 Holly Hill Road. The attached email was sent May 21, 2021 to convene with the homeowner and review fence plans as well as bringing attention to the noncompliance with the full size soccer goal. Since that time, staff and the homeowner have met in-person and communicated via email regarding this soccer goal installation. The homeowner believes the email exchanges with the Town's former planner alleviate the need for any additional permits and disagrees with staff's interpretation that this soccer goal constitutes an accessory structure.

In an effort to provide closure to this matter, staff requests the Board of Adjustment's review as to two questions:

- (1) Does this soccer goal meet the standard of "accessory structure" under the Town's Zoning Ordinance?
- (2) If it does meet the standard, does the Board grant approval for the special use permit allowing the soccer goal.

Attachments

- (1) Emails between homeowner and former Town Planner (November 2019)
- (2) Revised site plan (November 2019)
- (3) Original site plan and submission to Board of Adjustment (May 2018)
- (4) Minutes from May 21, 2018 Board of Adjustment Meeting
- (5) Email from Town Manager Jonathan Kanipe regarding Notice of Violation (May 21, 2021)

Jonathan Kanipe

From: Ben Lehman <[REDACTED]>
Sent: Wednesday, May 26, 2021 5:03 PM
To: Jonathan Kanipe
Subject: Final e-mail from Adrienne Isenhower

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

Hello Jonathan,

Thanks again for meeting with me today. I forgot to leave with you the final e-mail from Adrienne Isenhower that stated that no further requirements were needed from me, so I have just forwarded you the e-mail correspondence here.

Ben Lehman

----- Forwarded Message -----

From: Adrienne Isenhower <adrienne@landofsky.org>
To: Ben Lehman <[REDACTED]>
Sent: Friday, November 15, 2019, 10:45:29 AM EST
Subject: RE: 9 Holly Hill Road follow-up

Hi Ben,

I apologize for the delay in response. We will not need anything additional from you at this point.

I would ask that if you are planning to do any additional work, to please keep me updated so I can provide guidance on the front end for possible permitting requirements.

Thanks so much!

Adrienne

-----Original Message-----

From: Ben Lehman <[REDACTED]>
Sent: Thursday, November 14, 2019 1:53 PM
To: Adrienne Isenhower <adrienne@landofsky.org>
Subject: 9 Holly Hill Road follow-up

Be Advised: This email originated from outside Land of Sky

Hey Adrienne,

I am following up to make sure you received my last e-mail with the impervious surface calculations and revised site plan? I have not heard a response back so I wanted to make sure you received it and to check if there is anything else you need from me. Please let me know.

Thanks,

Ben Lehman
9 Holly Hill Road
Biltmore Forest, NC 28803

Re: Work on Property

From: Ben Lehman ([REDACTED])
To: adrienne@landofsky.org
Date: Tuesday, November 5, 2019, 11:13 AM EST

Adrienne,

I have made my own revised drawing of the site plan and made calculations of all impervious surface areas on our lot. However, I would contest that synthetic turf is not an impervious surface. The artificial turf backing is perforated with holes that allow it to drain 30 inches of water per hour per square yard which in fact is better than a natural yard. The turf is installed over a 3 inch subbase of gravel and stone dust that allows for drainage further downward into the water table. Synthetic turf is definitely not impervious and drains just as well as natural grass. It should at minimum be considered a semi-permeable surface. The link for this information is <https://syntheticgrasswarehouse.com/info-center/drainage/> which is directly from the website of the company where I purchased the turf.

The total impervious surface area for our lot after the project completion would be 12,219 sq. ft. without counting the synthetic turf and would be 16,376 sq. ft. if the turf were counted. The total surface area of the synthetic turf is 4,157 sq. ft. The total allowable impervious surface area per the Biltmore Forest Zoning Ordinances is 25% of the lot area which is $1,571 \times 43,560 \times (0.25) = 17,108$ sq. ft. Whether the turf area is considered in the total impervious surface area or not, the total still remains under the total allowable impervious surface area.

I will attach my revised site plan drawing with impervious surface area totals and calculations. Please let me know if there is anything else I need to do.

Thanks.

Sincerely,

Ben Lehman

On Monday, November 4, 2019, 9:52:28 AM EST, Adrienne Isenhower <adrienne@landofsky.org> wrote:

Ben,

Thanks for the response! When I looked back at the original submittal and what was approved, the lawn area was going to be fescue sod. Since you are using synthetic turf, we will need a new calculation on impervious surface to make sure you are still within the allowed coverage by ordinance. If you could send me an updated site plan showing the synthetic turf with impervious surface calculations, we can go from there on determining if additional approvals are required.

Thanks,
Adrienne

From: Ben Lehman ([REDACTED]) >
Sent: Friday, November 01, 2019 9:06 AM
To: Adrienne Isenhower <adrienne@landofsky.org>
Subject: Re: Work on Property

Be Advised: This email originated from outside Land of Sky

Adrienne,

I apologize for the delayed response. There is still work going on at our house involving the outdoor project that we had permitted last year in 2018. It is quite a large project involving a complete renovation of the pool with increased patio space, fire pit area installation, large retaining wall replacement, attached deck to the rear of the house, and grading for a flat side yard. At the time of the initial design plan, no final decision was made on whether the side yard would be zoysia sod or synthetic turf. The decision was made during the project to do synthetic turf. The intended use of the side yard will be as a play area for our children. They will use the area to play lots of different sports especially soccer. We had been discussing many different ideas with our contractor over the past year about how to best prevent balls from leaving the field area and rolling down the back hill of the property which would be an inconvenience to the kids and a potential nuisance to the neighbors. We are planning on using a lot of dense plantings along portions of the field perimeter and are planning on using two raised beds at the far end. There has been some interest in the family to have a small area to garden and this spot on the property gets the best sun exposure. The raised beds are "L" shaped measuring 11 feet by 6 feet and 3 feet wide.

The walls are knee high about 20 inches tall. They will flank a soccer goal on the one end of the field. Our plan for this field has always been as an area for children's play and the large side yard was in the initial plans that we received a permit for in 2018. I know that I had discussed the raised beds with my contractor as a possible option at the beginning of our project and he made several iterations of the plans, but I don't know if they were included in any of the materials that were initially submitted during the permitting process. The final decisions regarding how to landscape around the field evolved during the project over this past year. We are not putting any building such as a poolhouse or storage shed or cabana in this side yard area. The plan is for only two small raised beds flanking a soccer goal. My understanding is that this ongoing work is still part of the initial scope of the project that was permitted last year. Please let me know if my understanding is incorrect.

Thanks,

Ben Lehman

On Tuesday, October 22, 2019, 2:05:41 PM EDT, Adrienne Isenhower <adrienne@landofsky.org> wrote:

Hi Ben,

I wanted to follow up with you about some work currently taking place on your property. It does not seem we have permitted any additional work besides the pool and fireplace area.

Could you please let me know what is happening now so I can properly address whether or not a permit is needed?

Thanks,

Adrienne Isenhower

Regional Planner (Biltmore Forest and Montreat)

339 New Leicester Hwy., Suite 140 • Asheville, NC 28806

Land of Sky Office: 828.251.6622

Biltmore Forest: 828.274.0824

Montreat: 828.669.8002

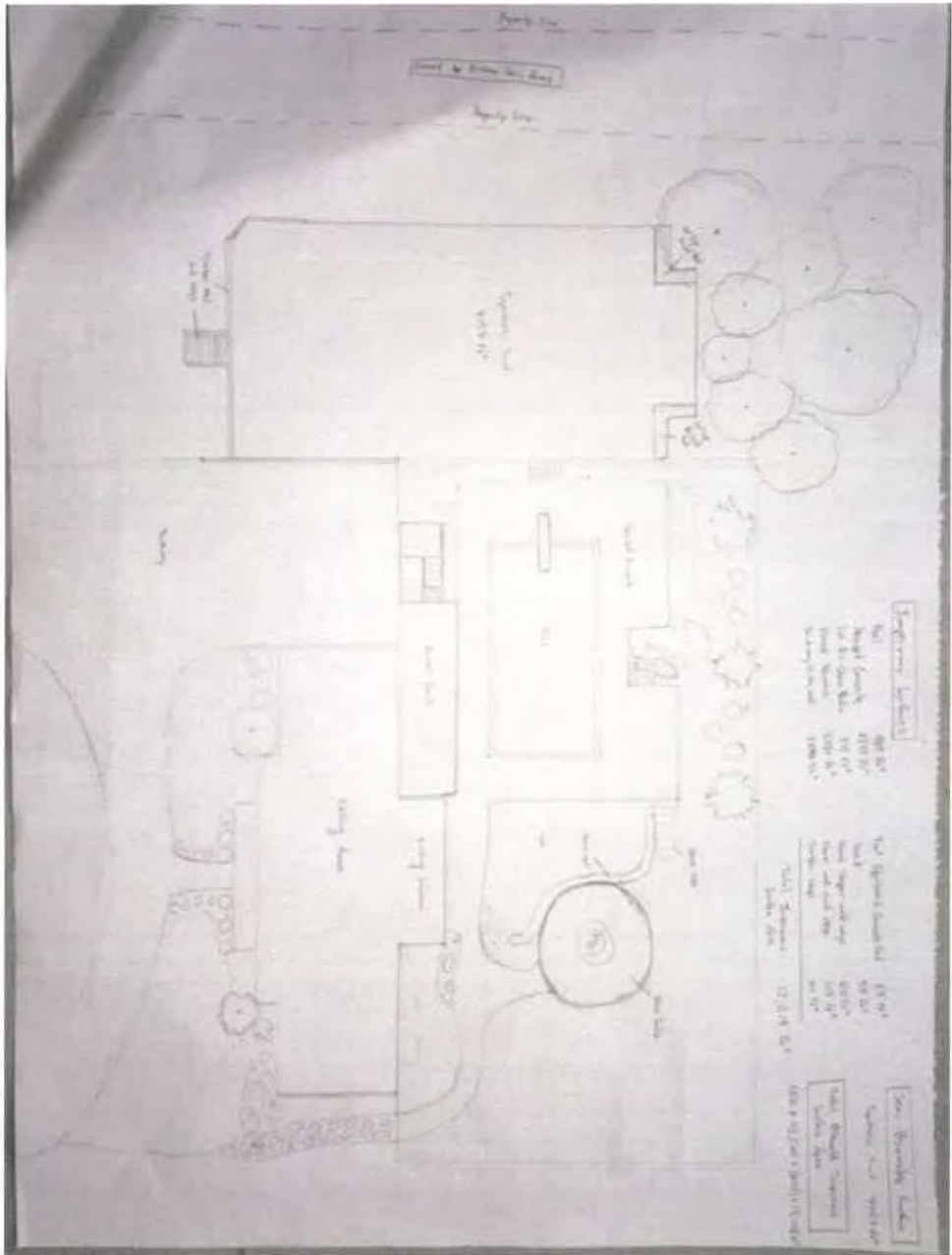
This institution is an equal opportunity provider and employer.

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



IMG_4967.JPG

68.1kB



Property Details

Lot	40' x 10'
Front Porch	10' x 10'
Back Porch	10' x 10'
Living Room	12' x 14'
Kitchen	10' x 10'
Dining Room	10' x 10'
Bedroom	10' x 10'
Bathroom	5' x 5'
Patio	10' x 10'
Deck	10' x 10'
Garden	10' x 10'

Room Details

Living Room	12' x 14'	168 sq ft
Kitchen	10' x 10'	100 sq ft
Dining Room	10' x 10'	100 sq ft
Bedroom	10' x 10'	100 sq ft
Bathroom	5' x 5'	25 sq ft
Patio	10' x 10'	100 sq ft
Deck	10' x 10'	100 sq ft
Garden	10' x 10'	100 sq ft
Total		703 sq ft

Site Details

Front Yard	10' x 10'	100 sq ft
Back Yard	10' x 10'	100 sq ft
Total		200 sq ft

355 Vanderbilt Rd | Biltmore Forest, NC
Po Box 5352 | Biltmore Forest, NC 28803
P (828) 274-0824 | F (828) 274-8131

www.biltmoreforest.org



George F. Goosmann, III, Mayor
Fran G. Cogburn, Mayor-Pro Tem
E. Glenn Kelly, Commissioner
Doris P. Loomis, Commissioner

Jonathan B. Kanipe,
Town Manager

MEMORANDUM

To: Board of Adjustments Members
From: Jonathan Kanipe, Town Manager
Re: Board of Adjustments Case Number 3 (9 Holly Hill Road)
Date: May 10, 2018

The applicants request a conditional use permit to allow the construction of a detached accessory structure as part of an overall improvement plan for the pool area in the backyard. The requested accessory structure is a fire pit/entertainment area which is part of a project to replace the existing pool, upgrade an existing retaining wall, and landscaping improvements. The retaining wall will be replaced with a stone wall and the fire pit will be 48” in diameter and 18” in height, also made of stone. The project also includes an addition of a 4 foot aluminum fence around the pool area. The project will increase impervious surface coverage by approximately 2,500 square feet, but will still be in compliance with the Ordinance requirements.

The detached accessory building is in compliance with the setbacks and the roof coverage and height requirements for detached buildings. The requirements for accessory buildings as a conditional use are found below.

§ 153.008 CONDITIONAL USES.

(8) Accessory buildings.

(a) All accessory buildings shall meet the standards of the State Building Code where applicable.

(b) All accessory buildings shall be of a design compatible with the principal building on the lot and with the structures in the neighborhood.

(c) An additional parking space shall be required when an accessory building is permitted for use as a dwelling by a family member.

(d) Accessory buildings shall comply with the district’s setback requirements.

The Board must also find that the conditional use request for an accessory building meets the following requirements, as established in the Zoning Ordinance’s General Regulations.

§ 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.*

The landscaping plan includes tree removal which will be discussed with this review and the proposed conditions.

Zoning Application

Property Identification

Name

Ben and Christie Lehman

Address

9 Holly Hill Road, 28804, Biltmore Forest, North Carolina 28803

Phone

(828) 458-7690

Email

riphooker@gmail.com

Zoning

R-1

Lot Size (Acres)

1.571

Email -Submission Verification

riphooker@gmail.com

Scope of Project-Roof Coverage

Does the project include increasing roof coverage?

No

Is the proposed roof coverage greater than the permitted maximum roof coverage?

No

Scope of Project-Impervious Surface

Does the project include increasing the impervious surface coverage?

Yes

What is the proposed impervious surface coverage?

12,756

Is the proposed impervious surface coverage greater than the permitted maximum impervious surface coverage?

No

Scope of Project-Setbacks

Does any part of the project fall within the front yard?

No

Does any part of the project fall within the side/rear yard setback(s)?

No

Scope of Project-Accessory Structures

Does the project include a detached structure or building?

No

Will there be more than the approved number of accessory structures/buildings?

No

Project Description

Brief Description of Project

Upgrading Pool patio and bring pool up to code. Removing hot tub. Removing failing brick retaining wall at end of driveway. Adding Fire Pit and terrace. Adding Fencing (required for pool code). Replacing brick wall with poured foundation wall, engineered for future house addition. Landscaping within scope. Remove existing wooded deck and replacing with new wooden deck.

Estimated Cost of Project

200,000

Estimated Completion Date

8/30/2018

Please attach any drawings, renderings, photographs or other supporting documentation.

Lehman_Renovation_006.jpg

Lehman_Renovation_009.jpg

Permit Binder 1.pdf

Drawing-Echelon Majestic.pdf

lehman -Landscaping 7.0.pdf

lehman -Master Plan 1.0.pdf

lehman scope 4.27.18.pdf

Conditional Use Permit Application

I hereby petition the Board of Adjustment to issue a Conditional Use Permit for:

Name

Ben and Christie Lehman

Property Address

9 holly hill road

Phone

(828) 458-7690

Email

Riphooker@gmail.com

Type of Conditional Use

802.07 Accessory Buildings

Email-Submission Verification

Riphooker@gmail.com

Description of Project

Replacing damaged retaining wall. Upgrading pool area. Expanding lawn for child play. Adding a stone fire pit as an adult oriented outdoor space.

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

Retaining wall is an upgrade to existong detoriated wall. Pool is a safety hazard and needs to be brought up to code. Landscaping is minimal but certainly an enhancement. A fire pit and entertainment area is a wholesome family activity that inspires a closer community.

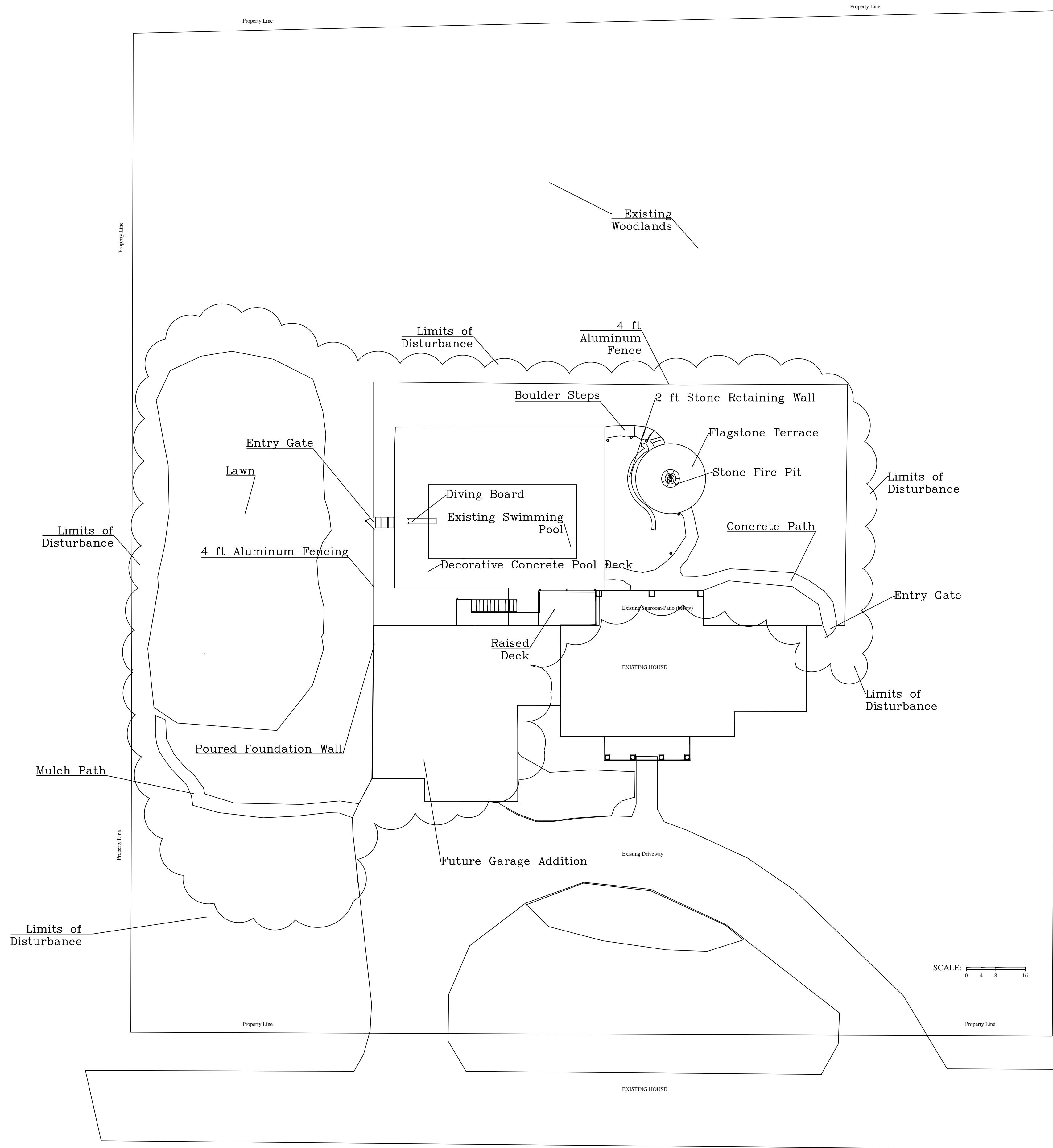
I certify that the information presented by the undersigned in this application is accurate to the best of my knowledge, information and belief.

Signature



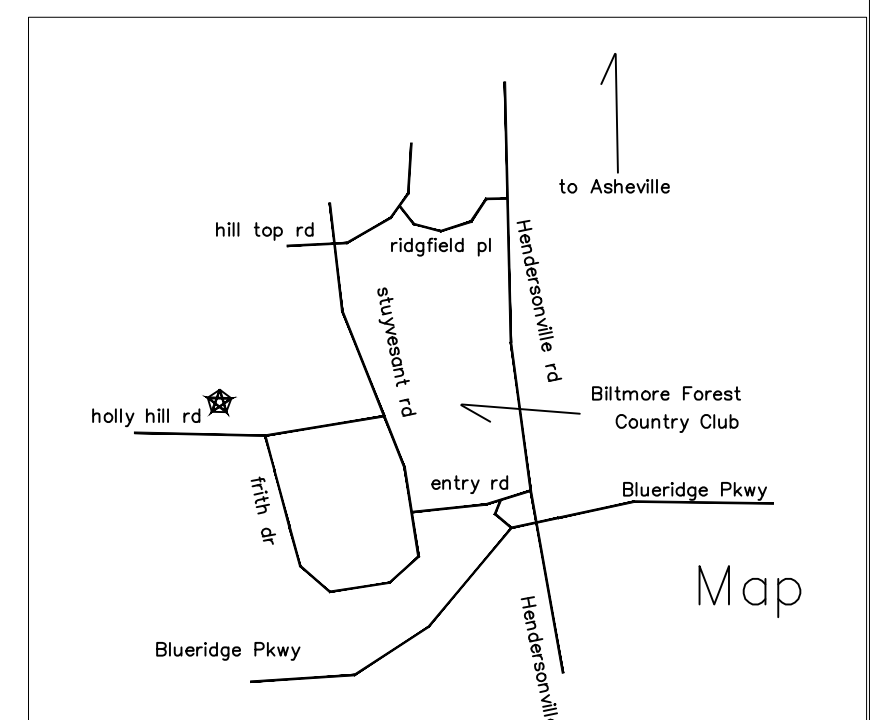
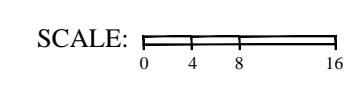
Date

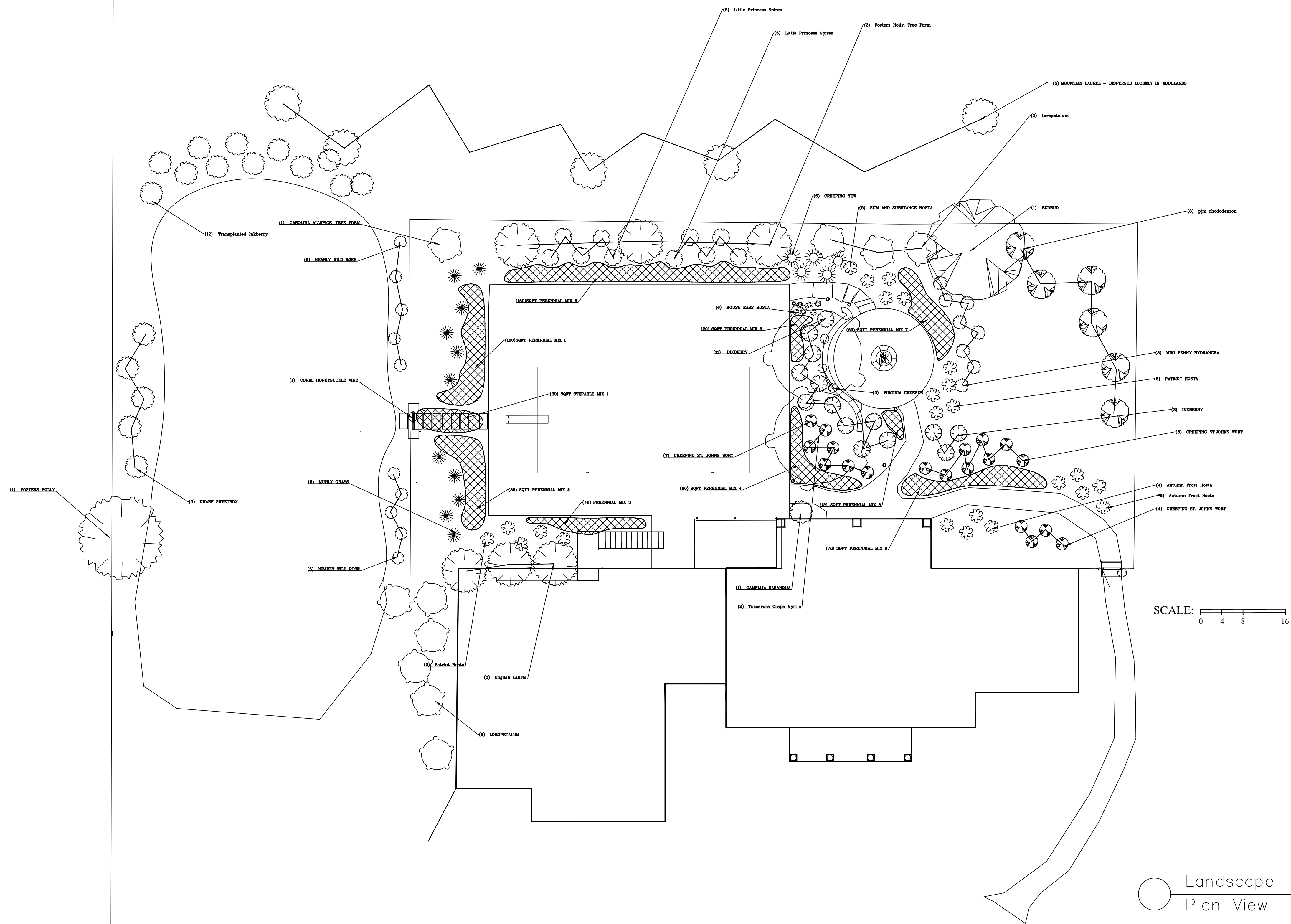
5/8/2018



Note:

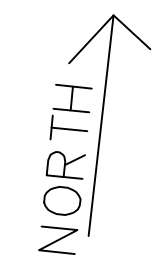
- 1.571 acres
- Existing Impervious: 10,158 sqft
- Proposed Impervious: 12,756 sqft
- Pool brought up to code





SCALE: 0 4 8 16

○ Landscape Plan View



- Perennial Mixes:
- Mix 1:
Aster (5)
Blackeyed Susan (3)
Iris - Caesar's Brother (5)
Dianthus Baths Pink (10)
 - Mix 2:
Aster (5)
Iris - Caesar's Brother (5)
Dianthus Baths Pink (7)
 - Mix 3:
Muhly Grass (3)
Dianthus Baths Pink (7)
 - Mix 4:
Candytuft (7)
Variegated Sweet Iris (5)
Daylily Happy Returns (7)
Aster (3)
 - Mix 5:
Candytuft (3)
Daylily Happy Returns (3)
Aster (3)
 - Mix 6:
Russian Sage (3)
Muhly Grass (5)
Dianthus Baths Pink (5)
Daylily Happy Returns (7)
Iris Caesar's Brother (7)
 - Mix 7:
Golden Japanese Forest Grass (3)
Lenten Rose (9)
Creeping Jenny (18)
 - Mix 8:
Astilbe (3)
 - Mix 9:
Astilbe (7)
Golden Japanese Forest Grass (3)
Ajuga (7)
Lenten Rose (9)
- Steppable Mix:
Dwarf Mondo Grass (7)
Dianthus Bath's Pink (5)

SPLASH

LUXURY POOLS

828-458-7690 | mailing: 825-C Merrimon Ave., Suite 248 Asheville, NC 28804 |
rip@splashluxurypools.com | www.splashluxurypools.com
Swimming Pools | Endless Pools | Custom Spas | Outdoor Environments

Outline

Client: Ben and Christie Lehman
Job Name: Lehman Pool Renovation
Job Site:
9 Holly Hill Court
Asheville, NC 28803

Date: 4/27/2018

Administrative:

- Permitting – coordination and management of permitting and inspection process
- Further designs and plans as necessary for construction
- Coordination with engineer – to review house addition retaining wall
- Management of all subcontractors contracted to complete scope
- Cleanup - All material and trash generated by Splash will be removed from site

Demolition:

- **Cut pool coping entire perimeter at 12"**
- Remove existing pool patio
- Remove brick wall and steps at driveway
- Remove up to 1800 sqft of driveway
- Remove existing raised deck
- Remove existing hot tub
- Remove existing arbor
- Up to 3 loads of debris removed – will use some for fill to expand sports lawn

Grading:

- Grade for lawn – extending out using cuts from new addition and firepit terrace, and from regrading slope from drive
- Excavate for walls and steps at firepit and pool
- Rough grade for patio
- Hand grade for pool patio and firepit terrace
- **3" gravel subbase at pool patio and fire pit**
- Hand grade pathway

Hardscaping

Flatwork-

Concrete:

- 1565 sqft ft concrete pool patio with texture and cut decorative pattern
- 280 sqft fire pit terrace subbase
- 350 sqft concrete pathway
- Driveway to be gravel, qty pending wall backfill

Flagstone:

- 280 sqft irregular flagstone with mortared joints at fire pit terrace
- (3) **36" x 18" x 2" flagstone steppers from pool patio to lawn**

Stack Stone:

- Fire pit retaining wall – 88 sqft stack stone, 35 linear feet flagstone cap
- Face foundation wall

Fire Pit:

- **48" diameter x 18" height**
- 26 square feet stack stone exterior
- 16 square feet stack stone 16 interior
- Flagstone cap
- Firebrick floor
- **3" drain**
- Gas starter
- Gas connection by addendum

Fieldstone Steps and Boulders:

- (16) fieldstone steps at fire pit terrace

House Addition Wall:

- Foundation wall **per engineer's specs**
- Approx.. 70 lft x 2 – 6ft height with step footers
- Refer to plan engineer plan for additional details

Structures

Raised Deck-

- New raised deck to connect existing sunroom to new addition
- Includes wrap-around stairway, with midpoint landing, down to pool patio
- 310 sqft trex composite decking
- Cedar posts
- Cedar skirting
- Storage shed built under steps
- Cable railing system
- **French door into sunroom (60" x 80" solid pine)**
- Stain/paint/seal all wood surfaces

Railing:

- 64 lft of cable railing at top of foundation wall
- 4 x 4 posts anchored to foundation wall
- 4 ft aluminum gate at top of steps with pool compliant latch and hinges

Fencing:

- (240) linear feet of decorative aluminum fencing
- **48", 3 rail, powder coat black**
- (2) gates w/ self-closing hinges and magna latch self-locking entry latches
- Approved pool barrier

Landscaping

Lawn:

- (3,000) sqft feet of fescue sod
- Rolled and fertilized

Perennial Mixes: 4" – 1 gallon

Mix 1:

- Aster (5)
- Iris - Caesar's Brother (5)
- Dianthus Baths Pink (10)

Mix 2:

- Aster (5)
- Iris - Caesar's Brother (5)
- Dianthus Baths Pink (7)

Mix 3:

- Muhly Grass (3)
- Dianthus Baths Pink (7)

Mix 4:

- Candytuft (7)
- Variegated Sweet Iris (5)
- Daylily Happy Returns (7)
- Aster (3)

Mix 5:

- Candytuft (3)
- Daylily Happy Returns (3)
- Aster (3)

Mix 6:

- Russian Sage (3)
- Muhly Grass (5)
- Dianthus Baths Pink (5)
- Daylily Happy Returns (7)
- Iris Caesar's Brother (7)

Mix 7:

- Golden Japanese Forest Grass (3)
- Lenten Rose (9)
- Creeping Jenny (18)

Mix 8:

- Astilbe (3)

Mix 9:

- Astilbe (7)
- Golden Japanese Forest Grass (3)
- Ajuga (7)
- Lenten Rose (9)

Steppable Mix:

- Dwarf Mondo Grass (7)
- Dianthus Bath's Pink (5)

Other:

- (15) Hosta – several varieties 1 gallon

Small Trees:

- (1) Flowering Redbud – 10-12 ft
- (1) Flowering Dogwood – 10-12 ft
- (2) Crape Myrtle – 14-16 ft, multi-trunk
- (4) Fosters Holly 8-10 ft

Shrubs:

- (11) Hydrangea, various varieties – 3 gallon
- (3) English Laurel – 7 gallon
- (10) Creeping Plum Yew 3 gallon
- (1) Camelia japonica 7 gallon
- (5) Mountain Laurel 3 gallon
- (6) Pjm Rhododendron 5 gallon
- (9) Loropetalum 3 gallon
- (7) Sweetbox 3 gallon
- (12) Nearly Wild Rose 3 gallon
- (11) Muhly Grass 3 gallon
- (11) Otto Luyken Laurel 3 gallon
- (10) Little Princess Spirea 3 gallon

Mulch:

- (40) cubic yards hardwood mulch

Planting Mix

- (15) cubic yards planting mix

Fertilizer

- Starter fertilizer for all plantings

Drainage:

- (12) area drains above sports lawn, between house and pool patio, and near fire pit
- **4" ads pipe open to daylight**

Irrigation:

- Backflow preventer and valve
- Mainline
- Digital timer
- (4) zones

Landscape Lighting:

- Not included in this agreement. Planned for Second phase

Utilities

Electrical:

- Initial overview of existing electrical system
- Bond pool per code and extend bond wire to equipment pad
- New pool electrical feed to equipment
- New pool junction box and feed
- Waterbond at pool equipment
- (1) new pool led lights with wall switch

Gasline:

- Coordination with gas company for fire pit connection

Pool

Pool:

- Repair pool plumbing
- Remove existing liner
- Clean pool cavity
- Replace liner with 28 mil liner, pattern to be determined
- Add salt system and initial salt
- Fill and balance

Mrs. Groce seconded the motion. The motion was unanimously approved.

HEARING (Evidentiary):

Mr. Ben Lehman, 9 Holly Hill Road, was called forward to present plans for the project. Mrs. Rhoda Groce shepherded the discussion. Mr. Lehman indicated that he wanted to remove the existing area around the pool area to create a patio, and include a fire pit on the Eastern side of the property. Mr. Lehman also indicated that the fence proposed around the pool was 6 feet high and made of aluminum. Mr. Lehman noted that the existing pergola was to be removed and no new pergola was planned to replace it. The existing hot tub was removed. Mrs. Groce noted that the railings were failing and the steps needed to be replaced.

Mr. Chandler asked about the fencing and whether they would buffer if necessary. Mr. Lehman indicated they would buffer the property if necessary and intended to do so with some more natural, selective tree plantings.

DELIBERATION AND DETERMINATION:

Mrs. Groce recited the facts of the case. Ben and Christie Lehman of 9 Holly Hill Road are requesting a Conditional Use Permit for construction of a detached accessory structure as part of an overall improvement area for the pool in the backyard.

Mr. Kanipe added that there was some tree removal related to the retaining wall construction.

Mr. Pearlman made a motion to approve the Conditional Use Permit be granted to Mr. Ben and Christie Lehman of 9 Holly Hill Road and the facts as recited by Rhoda Groce and her summation be accepted as findings and facts to support this grant. Chandler seconded the motion. The Board has inspected the site and no neighboring property owner has objected.

Mr. Pearlman further moved that granting this Conditional 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 1005.03 (2) and (3) of the above ordinance. The applicant has been informed that he 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 Mrs. Kieffer and unanimously approved.

HEARING (Evidentiary):

Mr. Rob Moody represented the owners of 54 Forest Road, presents plans for pool renovation with addition of a fence and construction of an accessory outbuilding. A Conditional Use Permit is requested for the detached accessory building and a variance is requested for fence addition. Mrs. Kieffer shepherded the discussion.

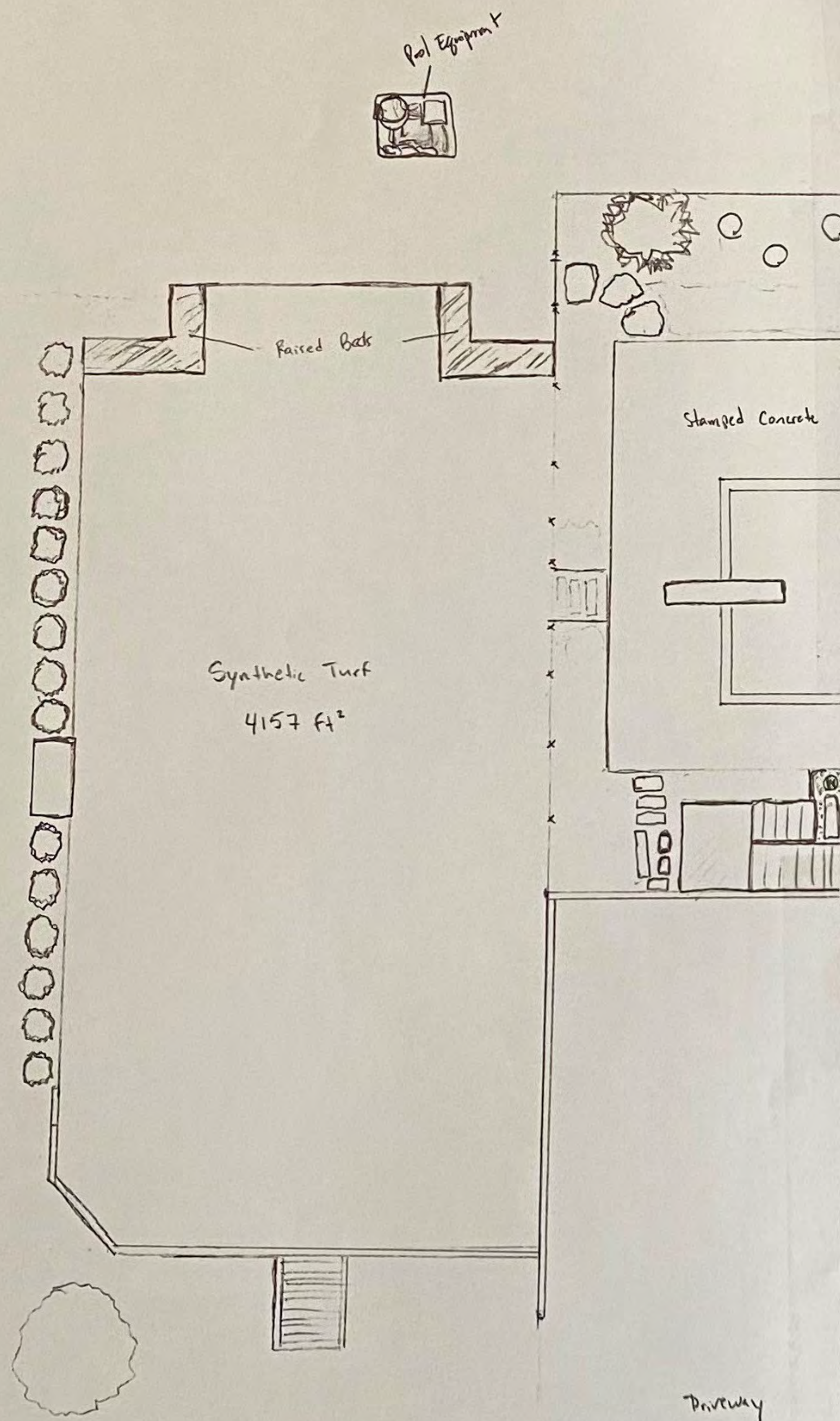
The goal is to remove the existing pool and construct a pool more in line with the house. A fence will also be added around the pool for safety and security. Where the parking is now will become a garden with raised beds. Mr. Moody also said that according to the arborist, hemlocks diseased with wooly adelgid will also be removed and replaced with Arbor Vitae. It will be a much more private setting.

The privacy fence will be put back but they didn't know where to put it due to the fencing Ordinance. Mr. Goosmann asked Mr. Moody if he would like the fence issue tabled or further discussed. The fence project was tabled and the driveway area was discussed.

Property Line

Owned by Billmore Dairy Farms

Property Line



Perennial
 Grass { Amsonia - blue
 { Dianthus
 { Aster
 Annual { Anderson Toy balloon
 water & Health Peas

Impervious Surfaces

Pool	989 ft ²
Stamped Concrete	2273 ft ²
Fire Pit Stone Patio	314 ft ²
House Structure	2734 ft ²
Driveway/Entry walk	5540 ft ²

Pool Equipment Concrete Pad	24 ft ²
Shed	50 ft ²
Stone Stepper walkways	120 ft ²
Stone wall and steps	115 ft ²
Timber steps	60 ft ²

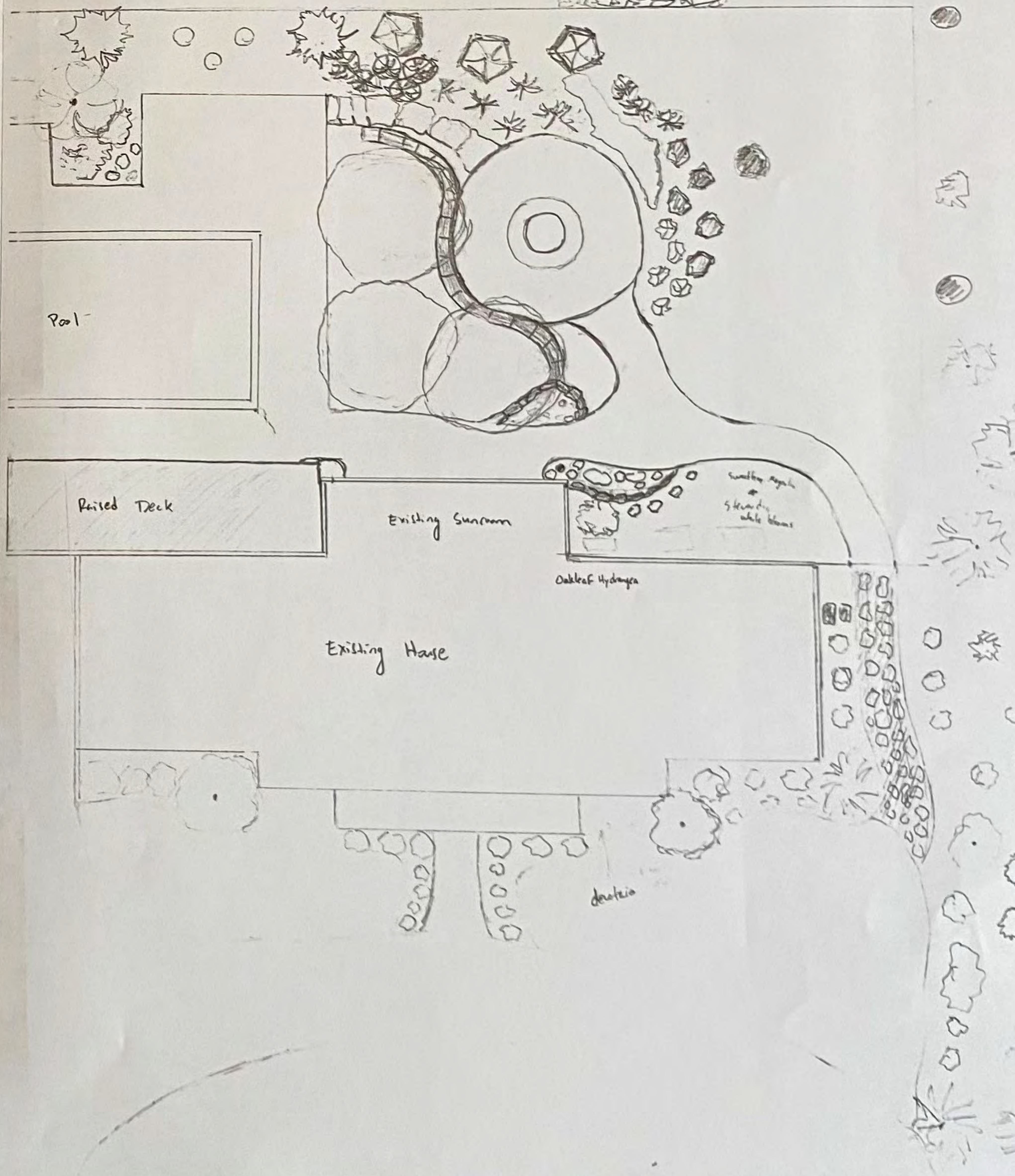
Total Impervious Surface Area 12,219 ft²

Semi-Permeable Surface

Synthetic Turf 4157 ft²

Total Allowable Impervious Surface Area

1521 x 43,560 x (0.25) = 17,108



From: [Jonathan Kanipe](#)
To: "Ben Lehman"
Bcc: [Harry Buckner](#)
Subject: Soccer Goal / Pool Fencing / Construction Materials
Date: Friday, May 21, 2021 9:41:00 AM
Attachments: [9 Holly Hill Binder.pdf](#)
Importance: High

Good morning Ben,

When we last spoke in August, you were awaiting your contractor fit you in for the fencing around the pool. I was by the other day and could not ascertain from the road whether the fencing was in place or not - it did not appear to be, but I could be wrong. If not installed, this must be installed as soon as possible.

Additionally, the large soccer goal at the end of the lawn where the new retaining wall is located does not comply with the Town Zoning Ordinance, and must be removed as soon as possible. The attached plans approved by the Board of Adjustment indicate the lawn, swimming pool, and landscaping improvements (page 18 of 20). There was never discussion of nor a proposal for this significant structure, and as such, it does not comply. I am certain the Board of Adjustment would require extensive landscaping and buffering from Holly Hill Road for this to be installed. Small, temporary (and moveable) soccer goals are not an issue as they are temporary in nature and not continually installed - this appears to be a more fixed goal and certainly is a more significant installation than anything of a more temporary nature.

Construction materials were also observed in the front yard, along with trash and recycling containers, all of which should be kept and stored out of sight from Holly Hill Road. The Town is making an effort to bring individual properties into compliance throughout the Town with issues such as these.

In an effort to expedite compliance, I am sending this via email as opposed to mailing a formal notice of violation (NOV) letter. Please let me know your timeline for compliance with the above matters. Failure to address these issues by next Friday, May 28, 2021, may result in further enforcement measures by the Town, including fines as required by the Town's Zoning Ordinance.

Thank you,

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

**BOARD OF ADJUSTMENT
STAFF MEMORANDUM**

July 26, 2021



**Case 4 – 1075 Hendersonville Road / 1111 Hendersonville Rd
Special Use Permit Request for Driveway Access
Improvements (Existing Planned Unit Development)**

Background

The applicant requests a special use permit for improved driveway access improvements between properties at 1095 Hendersonville Road and 1111 Hendersonville Road. The applicant owns the building at 1095 Hendersonville Road and has received permission from the owner at 1111 Hendersonville Road to file this application and request.

If approved, the special use permit would allow the installation of a driveway access road between the two properties. This internal access would provide safe ingress and egress to the property at 1095 Hendersonville Road by providing vehicles the opportunity to enter/exit at the existing traffic light on Hendersonville Road. This request has support from the Town's Police Department as means of improving traffic safety at the existing intersections between on Hendersonville Road.

Planned Unit Development

Each property is located within the R-4 zoning district where Planned Unit Developments and subsequent improvements require special use approval by the Board of Adjustment. The Board must follow standard review regarding special use permit standards, but minimum dimensional requirements and additional standards are able to be waived per Section 153.008 of the Town's Zoning Ordinance.

Zoning Compliance Application

Town of Biltmore Forest

Name

Clay Mooney

Property Address

1095 Hendersonville Road

Phone

(828) 231-0070

Email

clay@designassociates-la.com

Parcel ID/PIN Number

9656-08-4168

ZONING INFORMATION

Current Zoning

R-4

Lot Size

1.3

Maximum Roof Coverage

5,500 square feet (Up to 1.5 acres)

Proposed Roof Coverage Total

N/A

Maximum Impervious Surface Coverage

1-3 acres (25 percent of lot area)

Proposed Impervious Surface Coverage

N/A

Front Yard Setback

50 feet (R-2, R-3, R-4, and R-5 Districts)

Side Yard Setback

15 feet (R-2, R-3, R-4, and R-5 Districts)

Rear Yard Setback

20 feet (R-2, R-3, R-4, and R-5 Districts)

Building Height

N/A

Description of the Proposed Project

Construction of an internal asphalt driveway connecting the rear parking lot of 1095 Hendersonville Road (1095 LLC) to the rear parking lot of 1111 Hendersonville Road.

Estimated Start Date

8/9/2021

Estimated Completion Date

9/13/2021

Estimated Cost of Project

\$15,000.00

Supporting Documentation (Site Plan, Drawings, Other Information)

2021-07-02 Dorris 1095 Hendersonville Road-CONTEXT MAP.pdf

2021-07-02 Dorris 1095 Hendersonville Road-L1 demo plan.pdf

2021-07-02 Dorris 1095 Hendersonville Road-L2 site plan.pdf

Applicant Signature

Clay Mooney for:
DR. DUNCAN DORRIS

Date

7/2/2021

Special Use Permit Application

Town of Biltmore Forest

Name

Clay Mooney

Address

Subject property is located at: 1095 Hendersonville Road

Phone

(828) 231-0070

Email

clay@designassociates-la.com

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

Commercial Services, Professional Office Uses, Consumer Services and Retail Businesses

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:

The purpose of the proposed project is to construct an internal asphalt driveway that will connect the rear parking lot of 1095 Hendersonville Road (1095 LLC) to the rear parking lot of the previously approved and constructed PUD project, a portion of which is located immediately to the south and adjoining 1095 Hendersonville Road at 1111 Hendersonville Road. The goal and intent of the project is to allow the tenants and users of 1095 Hendersonville Road a safe means of access to and from the existing traffic light located at the intersection of Hendersonville Road, Rock Hill Road and the shared entrance drive to the existing PUD.

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

This project will have no adverse impact to the adjacent neighbors or those living in the neighborhood as a whole, due to the fact that the only change will be a new internal connecting driveway that will be available for use by the users and guests of the existing office buildings. Due to a number of accidents that have occurred over the years involving vehicles entering and exiting the two existing driveway entrances from 1095 Hendersonville Road, the approval of this request would greatly enhance the safety and public welfare of the neighbors, tenants and all who commute along this section of Hendersonville Road by providing a safer access path via the traffic light.

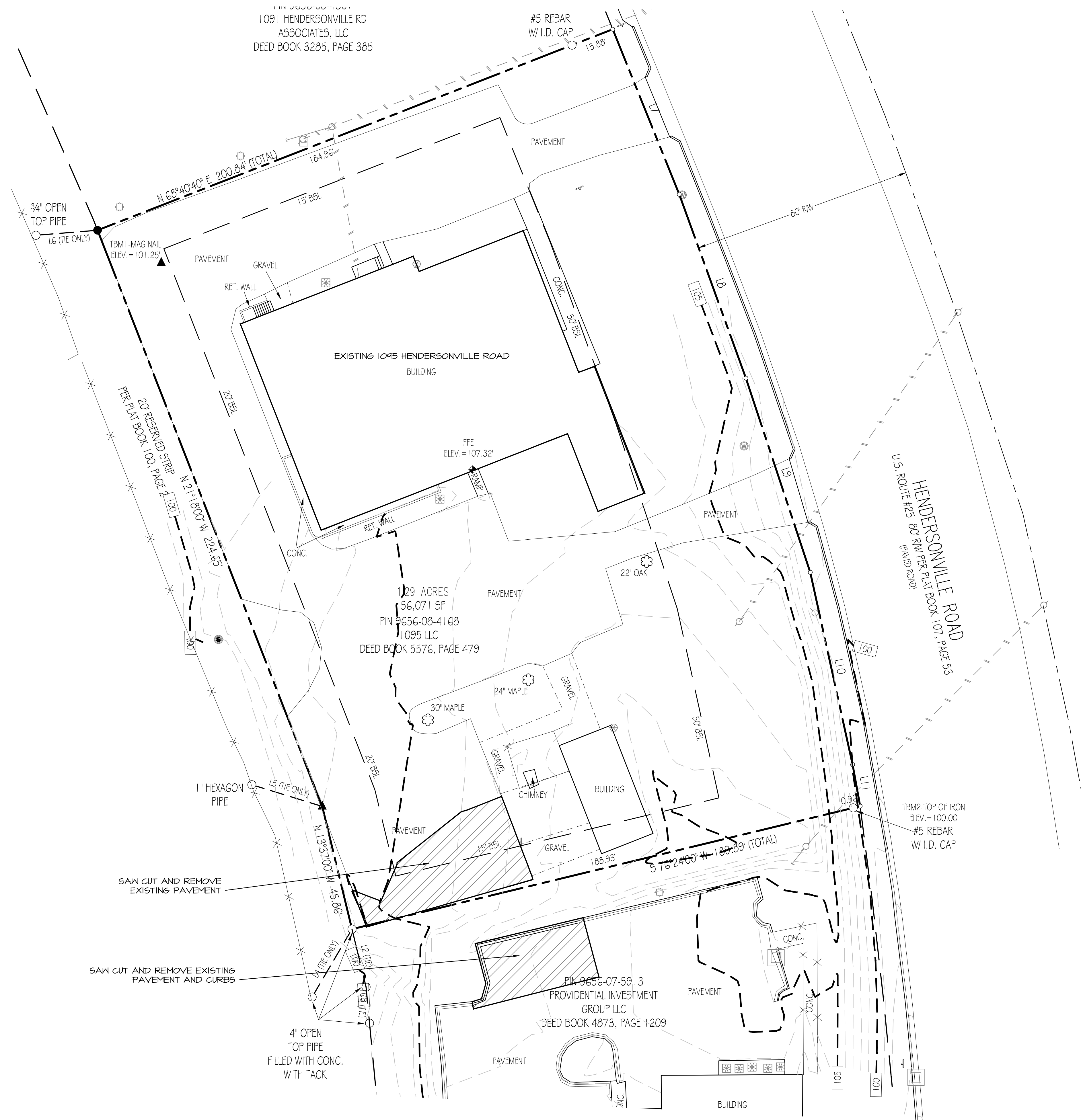
I hereby certify that all of the information set forth above is true and accurate to the best of my knowledge.

Signature

Clay Mooney for:
DR. DUNCAN DORRIS

Date

7/2/2021



1091 HENDERSONVILLE RD
 ASSOCIATES, LLC
 DEED BOOK 3285, PAGE 385

1.29 ACRES
 56,071 SF
 PIN 9656-08-4168
 1095 LLC
 DEED BOOK 5576, PAGE 479

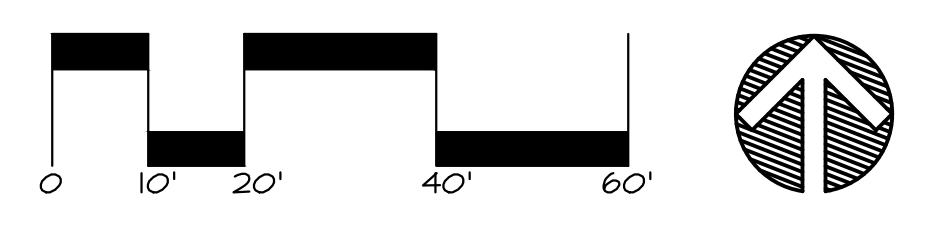
PIN 9656-07-5913
 PROVIDENTIAL INVESTMENT
 GROUP LLC
 DEED BOOK 4873, PAGE 1209

- DEMOLITION LEGEND:**
- Pavement to be removed
 - Feature to be removed
 - Building/Structure to be removed

- DEMOLITION NOTES:**
1. Contractor shall remove all items and site improvements encountered which conflict with new construction.
 2. Coordinate with appropriate utility provider prior to interruption or removal of any utility service line or connection.
 3. Comply with all local and state regulations regarding the disposal of demolition debris. Contractor to obtain necessary permits for demolition and disposal of debris.
 4. Protect existing concrete R/W monuments. Should construction work necessitate disturbance of a R/W monument, coordinate it's removal, storage and reinstallation in strict accordance with NCDOT regulations and guidelines. Contact the NCDOT district engineer prior to R/W monument disturbance.



BEFORE YOU DIG I
 CALL 1-800-632-4949
 N.C. ONE-CALL CENTER
 IT'S THE LAW!



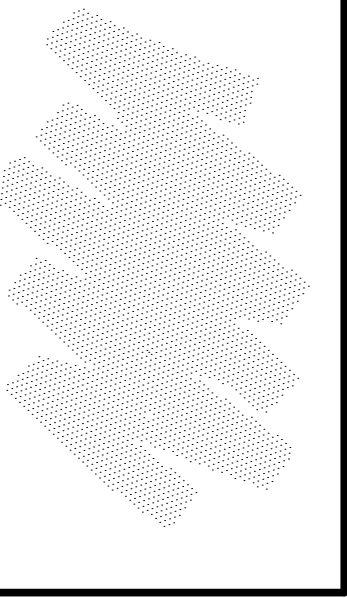
SCALE: 1" = 20' NORTH

1293 Hendersonville Road
 Suite 21
 Asheville, NC 28803
 828-277-7410
 Fax: 828-277-7413

DESIGN ASSOCIATES
 LANDSCAPE ARCHITECTS
 & LAND PLANNERS



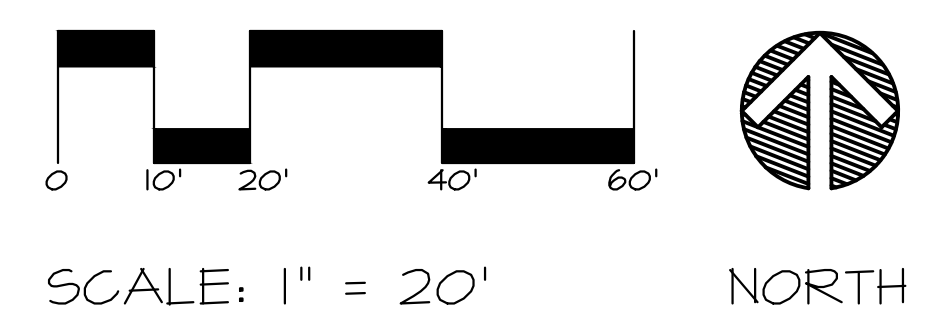
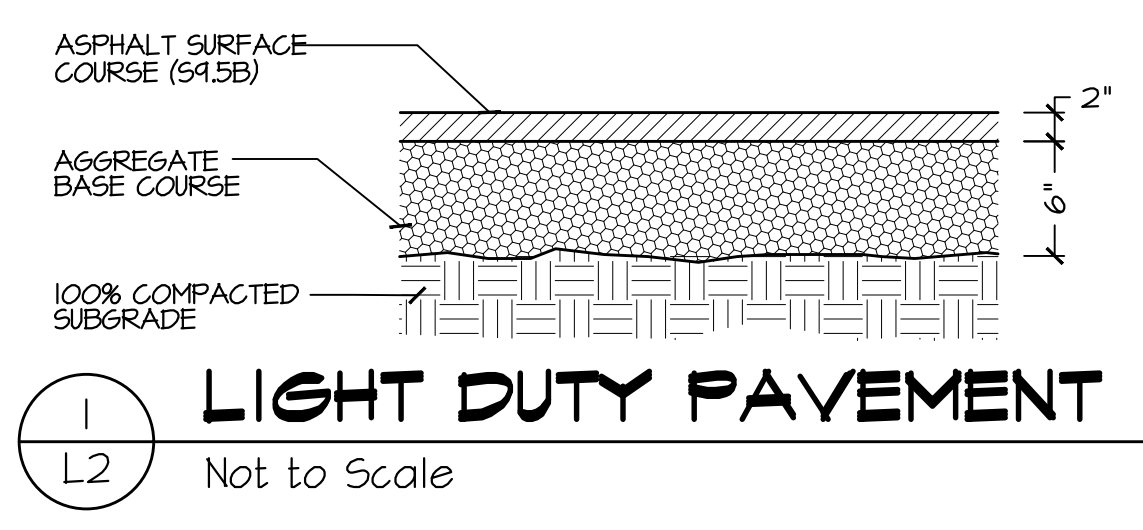
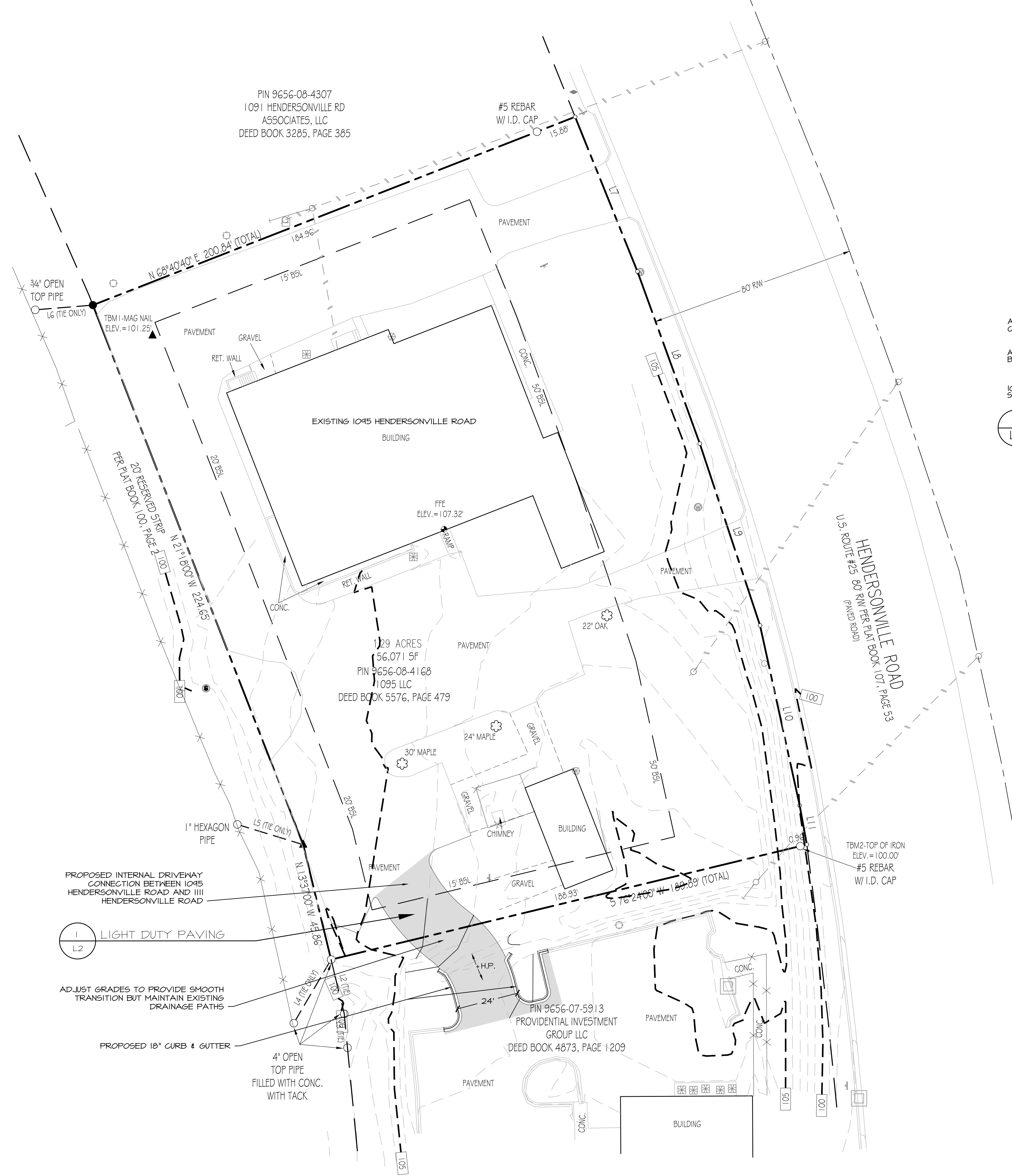
1095 LLC
 1095 Hendersonville Road
 Biltmore Forest, NC



Existing
 Conditions
 and
 Demolition
 Plan

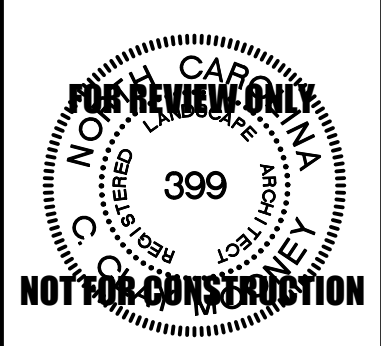
REVISIONS:

L1
 1/18/21

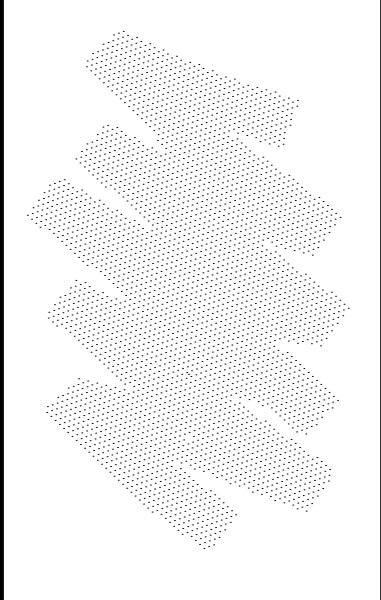


1293 Hendersonville Road
Suite 21
Asheville, NC 28803
828-277-7410
Fax: 828-277-7413

DESIGN ASSOCIATES
LANDSCAPE ARCHITECTS & LAND PLANNERS



1095 LLC
1095 Hendersonville Road
Biltmore Forest, NC



Site Plan

REVISIONS:

L2
11/18/20

**BOARD OF ADJUSTMENT
STAFF MEMORANDUM**

July 26, 2021



**Case 5 – 23 Eastwood Road
Special Use Permit for Amendment to Previously Approved
Driveway Entrance Plan**

Background

The applicant requests a special use permit for an amendment to a previously approved driveway entrance plan. The original application, approved by the Board of Adjustment in December 2019, included a concrete drive into the property that included a large circular drive and stone patio with water feature. The applicant requests approval to modify the plan by replacing the planned driveway with a two-track exposed aggregate concrete driveway with grass strip.

Request for Board of Adjustment

The proposed change reduces the overall impervious surface area for the lot by 2,783 square feet. This is due to the stone patio, water feature, and oblong driveway being removed and replaced with the two-track drive and tighter, circular driveway. The existing driveway entrance remains in the same location with no further encroachment into the side yard setback. The driveway itself is farther west than the previously approved plan but remains within the front yard per the Town's Zoning Ordinance.

Zoning Compliance Application

Town of Biltmore Forest

Name

Rob Dull on behalf of Tom and Char Hand

Property Address

23 Eastwood Road Asheville, NC 28803

Phone

(828) 674-5592

Email

rdull@siteworkstudios.com

Parcel ID/PIN Number

964686342100000

ZONING INFORMATION

Current Zoning

R-1

Lot Size

1.69 acres

Maximum Roof Coverage

6,100 square feet (Up to 2 acres)

Proposed Roof Coverage Total

see approved architectural plans

Maximum Impervious Surface Coverage

1-3 acres (25 percent of lot area)

Proposed Impervious Surface Coverage

19.96%

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

see approved architectural plans

Description of the Proposed Project

Revisions to an approved plan to remove the existing driveway and relocate/replace it with a two-track, exposed aggregate driveway with grass strip. Previous patio and water feature are removed from the front yard. Net reduction in impermeable surfaces in this revisions is 2,783 sf.

Estimated Start Date

7/12/2021

Estimated Completion Date

10/1/2021

Estimated Cost of Project

\$300,000.00

Supporting Documentation (Site Plan, Drawings, Other Information)

L-100 Site Development Plan 7.6.21.pdf

Applicant Signature

Date
7/6/2021

Handwritten signature in black ink, appearing to read "R. D. M." or similar, positioned above a horizontal line.

Special Use Permit Application

Town of Biltmore Forest

Name

Rob Dull on behalf of Tom and Char Hand

Address

23 Eastwood Road Asheville, NC 28803

Phone

(828) 674-5592

Email

rdull@siteworkstudios.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:

Revised plans to include removing the existing driveway and relocating/replacing it with a two-track, exposed aggregate concrete driveway with grass strip (see pic on plans). This reduces the impermeable square footage by 2,783sf. In addition, a stone patio with water feature was removed from the previously approved plans.

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

The proposed revisions to the previously approved plans will reduce the amount of driveway on the parcel and will create a more aesthetically pleasing view from Eastwood Road.

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

Signature

Date

7/6/2021





BLUESTONE TERRACE AND WALKS



TWO-TRACK DRIVEWAY



CUTSTONE STEPS



CUTSTONE STEPS



STONE VENEER WALLS
BLUESTONE CAP



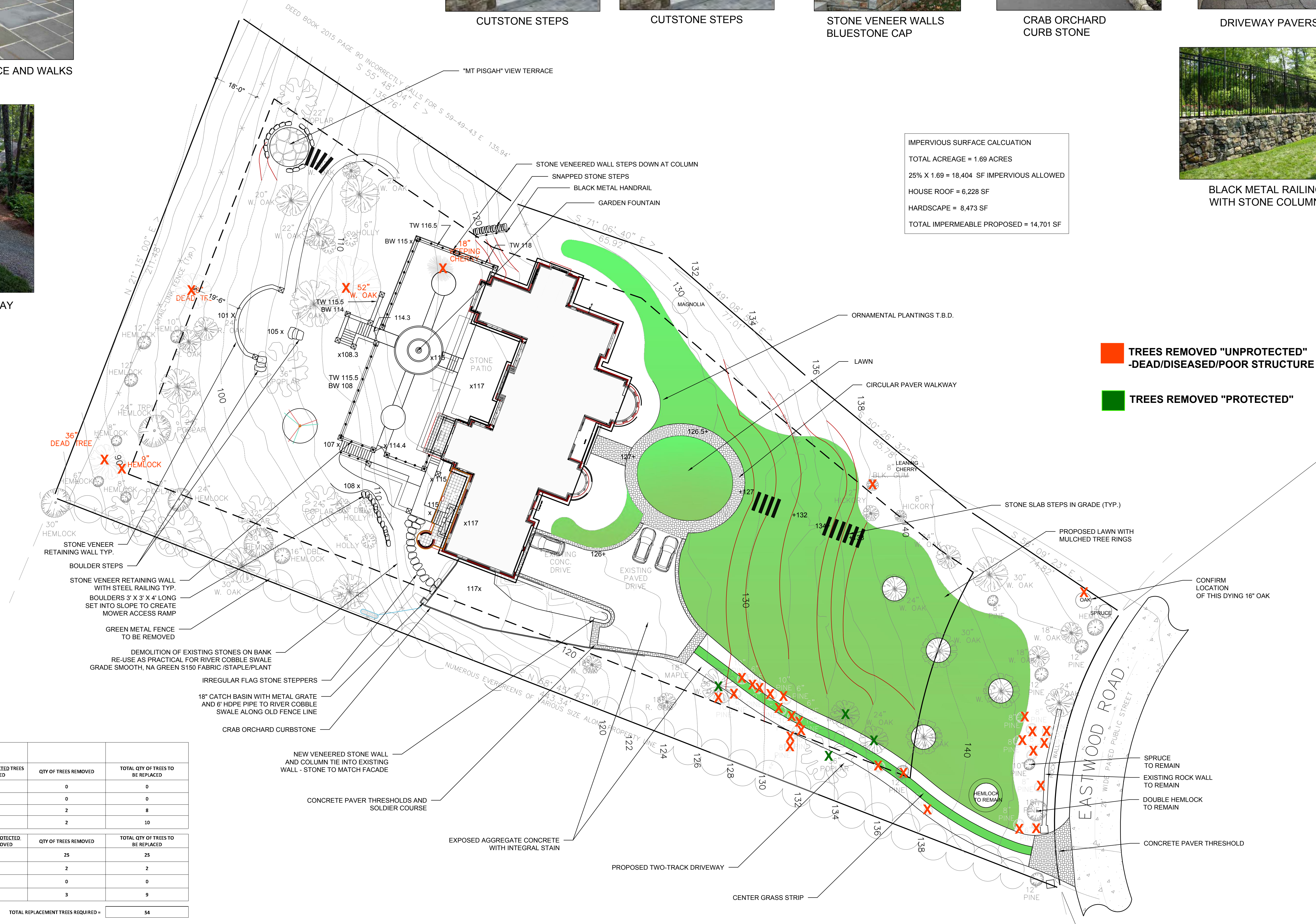
CRAB ORCHARD
CURB STONE



DRIVEWAY PAVERS



BLACK METAL RAILING
WITH STONE COLUMNS



IMPERVIOUS SURFACE CALCULATION
 TOTAL ACREAGE = 1.69 ACRES
 25% X 1.69 = 18,404 SF IMPERVIOUS ALLOWED
 HOUSE ROOF = 6,228 SF
 HARDSCAPE = 8,473 SF
 TOTAL IMPERMEABLE PROPOSED = 14,701 SF

■ TREES REMOVED "UNPROTECTED"
-DEAD/DISEASED/POOR STRUCTURE
■ TREES REMOVED "PROTECTED"

HAND RESIDENCE TREE REPLACEMENT CHART			
SIZE OF TREES	REPLACEMENT OF PROTECTED TREES PER TREE REMOVED	QTY OF TREES REMOVED	TOTAL QTY OF TREES TO BE REPLACED
6-12" DBH (A)	2	0	0
13-18" DBH (B)	3	0	0
19"-30" DBH - C	4	2	8
30" DBH or greater (D)	5	2	10
SIZE OF TREES	REPLACEMENT OF UNPROTECTED TREES PER TREE REMOVED	QTY OF TREES REMOVED	TOTAL QTY OF TREES TO BE REPLACED
6-12" DBH (A)	1	25	25
13-18" DBH (B)	1	2	2
19"-30" DBH - C	2	0	0
30" DBH or greater (D)	3	3	9
TOTAL REPLACEMENT TREES REQUIRED =			54

CONSULTANT

HAND RESIDENCE
 PREPARED FOR:
TOM AND CHAR HAND
 23 EASTWOOD DRIVE
 BILTMORE FOREST, NC

REVISIONS		
NO.	REMARKS	DATE

NOT FOR CONSTRUCTION
 DATE: 6 JULY 2021
 SHEET TITLE:
SITE DEVELOPMENT PLAN
 SHEET NO.
L-100