



To: Members of the Board of Adjustment, Applicants & Neighboring Property Owners
From: Jonathan B. Kanipe, Town Manager
Date: March 9, 2023
Re: **Board of Adjustment Meeting – March 20, 2023**

Applicants:

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

Members of the Board of Adjustment & staff will conduct a site visit, as noted on the agenda, prior to the meeting. The applicant or their representative **MUST** be present for this site visit.

Neighbors:

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

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

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

Additional information regarding the meeting will be provided on the Town's website no later than March 16, 2023.

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

The following items of business will be considered by the Biltmore Forest Board of Adjustment on Monday, March 20, 2023 at 4:00 p.m at the Biltmore Forest Town Hall. The Biltmore Forest Town Hall is located at 355 Vanderbilt Road, Biltmore Forest, NC 28803.

Those interested in viewing the meeting via Zoom may do so via the link provided at the bottom of this page.

1. The meeting will be called to order and roll call taken.
2. The minutes of the February 20, 2023 regular meeting will be considered.
3. Hearing of Cases (Evidentiary Hearings, Deliberations & Determinations).

Case 1: 79 Chauncey Circle
Special Use Permit request for Accessory Structure
Site Visit – 2:30 PM

Case 2: 23 Stuyvesant Road
Special Use Permit request for Accessory Structure
Site Visit – 3:00 PM

Case 3: 2 Amherst Road
Special Use Permit request for Detached Accessory Building and Variance for Encroachment into Side yard Setback
Site Visit – 3:15 PM

Case 4: 15 White Oak Road
Variance request to exceed maximum roof coverage and maximum impervious surface coverage
Site Visit – 3:30 PM

Case 5: 23 Cedar Hill Drive
Variance request to exceed maximum roof coverage and encroachment into side yard setback
Site Visit – 2:45 PM

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

Meeting ID: 824 0558 6759

Passcode: 804985

4. Adjourn

MINUTES OF THE BOARD OF ADJUSTMENT MEETING
HELD MONDAY, FEBRUARY 20, 2023

The Board of Adjustment met at 4:00 p.m. on Monday, February 20, 2023.

Ms. Lynn Kieffer, Mr. Robert Chandler, Ms. Martha Barnes, and Ms. Rhoda Groce were present. Mr. Jonathan Kanipe, Town Manager, Mr. Harry Buckner, Public Works Director, and Mr. William Clarke, Town Attorney.

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

Ms. Lynn Kieffer swore in the following:

Mr. Jonathan Kanipe

Mr. Bobby Ingle

Ms. Mary Hiers

A motion was made by Mr. Robert Chandler to approve the minutes from January 23, 2023. Ms. Rhoda Groce seconded the motion. The minutes were unanimously approved.

HEARING (Evidentiary):

The first matter is for a tree removal request (removal of more than 10 protected trees) and replacement landscape plan review for 18 Busbee Road. Ms. Rhoda Groce shepherded the matter. Ms. Mary Hiers represented the homeowners. There are a total of twelve trees that need to be removed. They will be replaced with various plantings and trees. They would like

as much privacy as possible. If requested from neighboring property owners, extra buffering will be added.

DELIBERATION AND DETERMINATION:

Ms. Groce restated the facts and said Bobby and Nicki Ingle of 18 Busbee Road would like to remove 12 protected trees and have presented a landscape showing what will be done with this space once the trees are removed. Additional buffering will be provided if a neighboring property owner request it.

Mr. Robert Chandler moved that a Tree Removal Request be granted to Bobby and Nicki Ingle of 18 Busbee Road and the facts as recited by Rhoda Groce and her summation be accepted as findings and facts to support this grant. The Board has inspected this site and no neighboring property owner has objected. He further moved the Board define that granting this Tree Removal Request (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 the motion. Ms. Martha Barnes opposed. The motion passed by the majority.

The meeting was adjourned at 4:17 pm. The next Board of Adjustment meeting is scheduled for Monday, March 20, 2023 at 4:00pm.

ATTEST:

Greg Goosmann

Chairman

Laura Jacobs

Town Clerk



BOARD OF ADJUSTMENT MEETING

STAFF MEMORANDUM

MARCH 20, 2023

CASE 1

Property Address: 79 Chauncey Circle

Property Owner: Dawn and Heinz Grohs

Request: Special Use Permit request for Accessory Structure

Background

The property owners request permission to construct an outdoor fireplace in the rear yard of their property. The fireplace would be constructed adjacent to an existing outdoor patio, and the existing flagstone would be replaced with a larger flagstone as part of the project.

Special Use Permit

Section 153.029 (attached) of the Town's Zoning Ordinance regulates accessory structures and requires a special use permit from the Board of Adjustment. The ordinance notes that all accessory structures must be located within the rear or side yard and comply with setbacks. The entirety of the project complies with the setbacks on the rear and side property lines. The fireplace and new patio are entirely located within the rear yard.

§ 153.029 ACCESSORY STRUCTURES AND BUILDINGS.

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

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

- (a) The maximum number of accessory buildings permitted on a lot shall be one;
- (b) The maximum roof coverage area for accessory buildings shall be 750 square feet;
- (c) The maximum height for accessory buildings shall be 25 feet;
- (d) The accessory building must be screened by vegetation or other buffer as set forth in §153.008;
- (e) The accessory building must be located behind a line parallel to the rear of the principal structure on the lot;
- (f) The accessory building must be designed in the same architectural style as the principal structure;
- (g) Any accessory structure and/or accessory building shall be included in the calculation of allowable roof coverage and allowable impervious surface coverage on the lot pursuant to §§ 153.043 and 153.048; and
- (h) Solar collectors shall be regulated in accordance with G.S. § 160D-914.

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

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

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

Editor's note:

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

Zoning Compliance Application

Town of Biltmore Forest

Name

Dawn Grohs

Property Address

Dawn Grohs, 79 Chauncey Circle, Asheville, NC 28803

Phone

(828) 505-0908

Email

dawngrohs@gmail.com

Parcel ID/PIN Number

964670803500000

ZONING INFORMATION

Current Zoning

R-3

Lot Size

.75 acres

Maximum Roof Coverage

3,520 square feet (Up to .75 acres)

Proposed Roof Coverage Total**Maximum Impervious Surface Coverage**

Up to 1 acre (27.5 percent of lot area)

Proposed Impervious Surface Coverage**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

fireplace height approximately 11 feet

Description of the Proposed Project

Construct an outdoor fireplace adjacent to the back patio of our home.

Estimated Start Date

7/10/2023

Estimated Completion Date

7/28/2023

Estimated Cost of Project

\$40,000.00

Supporting Documentation (Site Plan, Drawings, Other Information)

Applicant Signature

Date
2/15/2023

Rawn H. Grohs

Special Use Permit Application

Town of Biltmore Forest

Name

Dawn Grohs

Address

79 Chauncey Circle

Phone

(828) 505-0908

Email

dawngrohs@gmail.com

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

Accessory Structures

The applicant must show that the proposed use will not materially endanger public health or safety or injure value of adjoining or abutting property. In addition, the proposed use must be in general conformity with the plan of development of the town and be in harmony with scale, bulk, height, coverage, density, and character of the neighborhood.

Please provide a description of the proposed project:

Existing back terrace of flagstone would be replaced by a larger flagstone terrace set in mortar. An outdoor fireplace (Mason-Life 4") with extended chimney would be constructed with stone wing walls incorporated into the landscaping. Large stepping stones would be installed leading to the existing gas grill. Existing plant material would be relocated and replanted.

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

This project will not be visible from the street or from either of our immediate neighbors. It will also not be visible from the neighbors that live behind us.

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

Signature

Date

2/15/2023



APPLICATION TO THE TOWN OF BILTMORE FOREST
IMPROVEMENT OF BACK TERRACE AND ADDITION OF OUTDOOR FIREPLACE ADJACENT TO TERRACE

Property ID # 964670803500000, 79 Chauncey Circle

Submitted: February 21, 2023

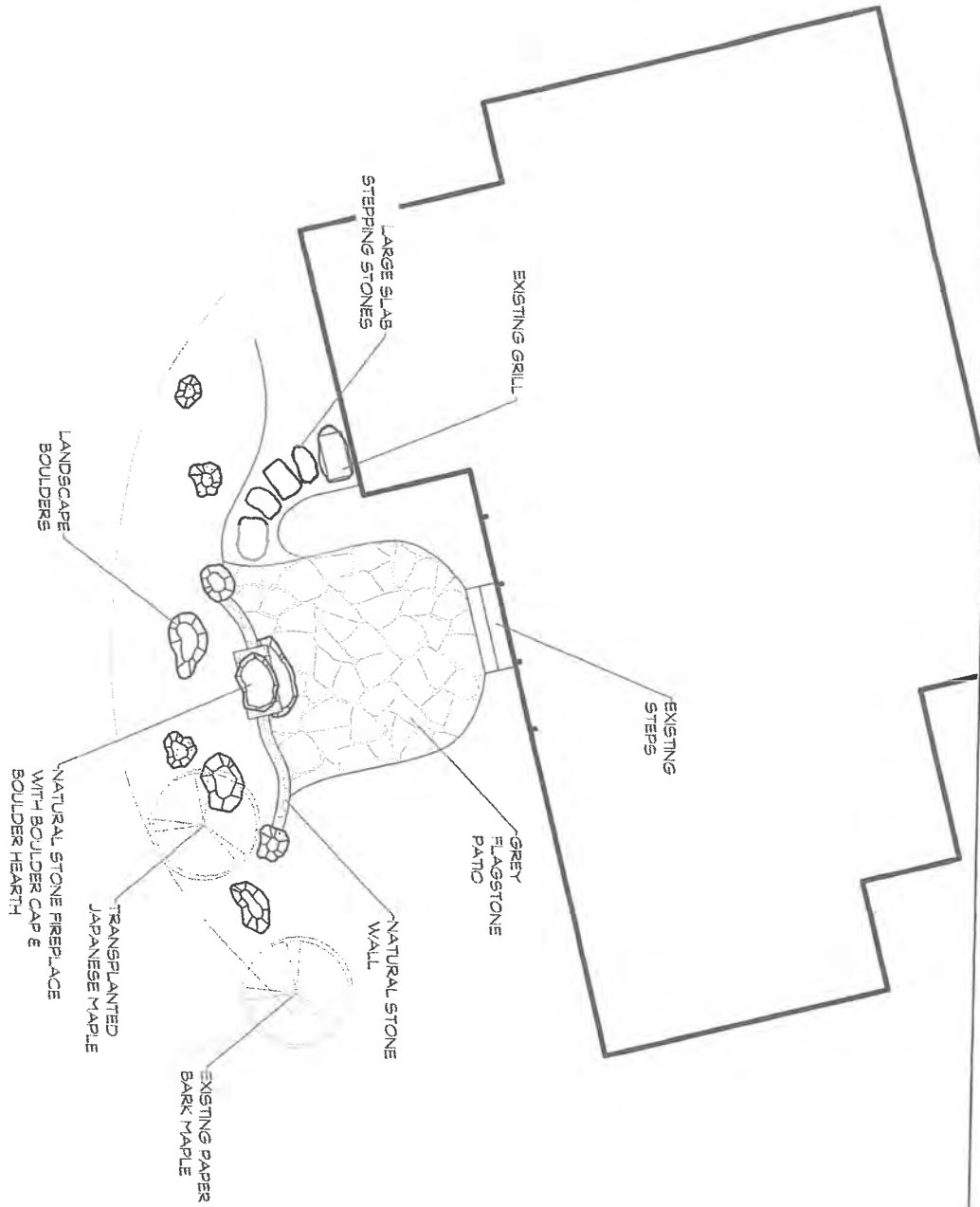
Home owner: Heinz and Dawn Grohs
Contact information: 828 505-0908
dawngrohs@gmail.com

Contractor: Chris Gibbs
Elemental Landscapes, LLC
426 State Street
Asheville, NC 2806
828 090-6156

Description: Existing back terrace of flagstone would be replaced by a larger flagstone terrace set in mortar. An outdoor fireplace (Mason-Life 44") with extended chimney would be constructed with stone wing walls incorporated into the landscaping. Large stepping stone would be installed leading to the existing gas grill. Existing plant material would be relocated and replanted.

Included with this application:

- Special Use Permit Application
- Zoning Compliance Application
- Proposed project design provided by Elemental Landscapes, LLC
- Photograph of similar installation by Elemental Landscapes, LLC
- Lot plan including setbacks
- Site plan including current structure and proposed project location
- Indication of support by adjacent neighbors

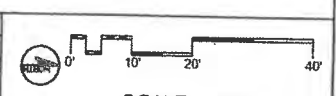


ELEMENTAL LANDSCAPES
 ASHEVILLE, NORTH CAROLINA
 828.989.6156 www.elemental.com



LANDSCAPE PLAN
 HEINZ RESIDENCE
 79 CHAUNCEY CIR
 ASHEVILLE, NC 28803

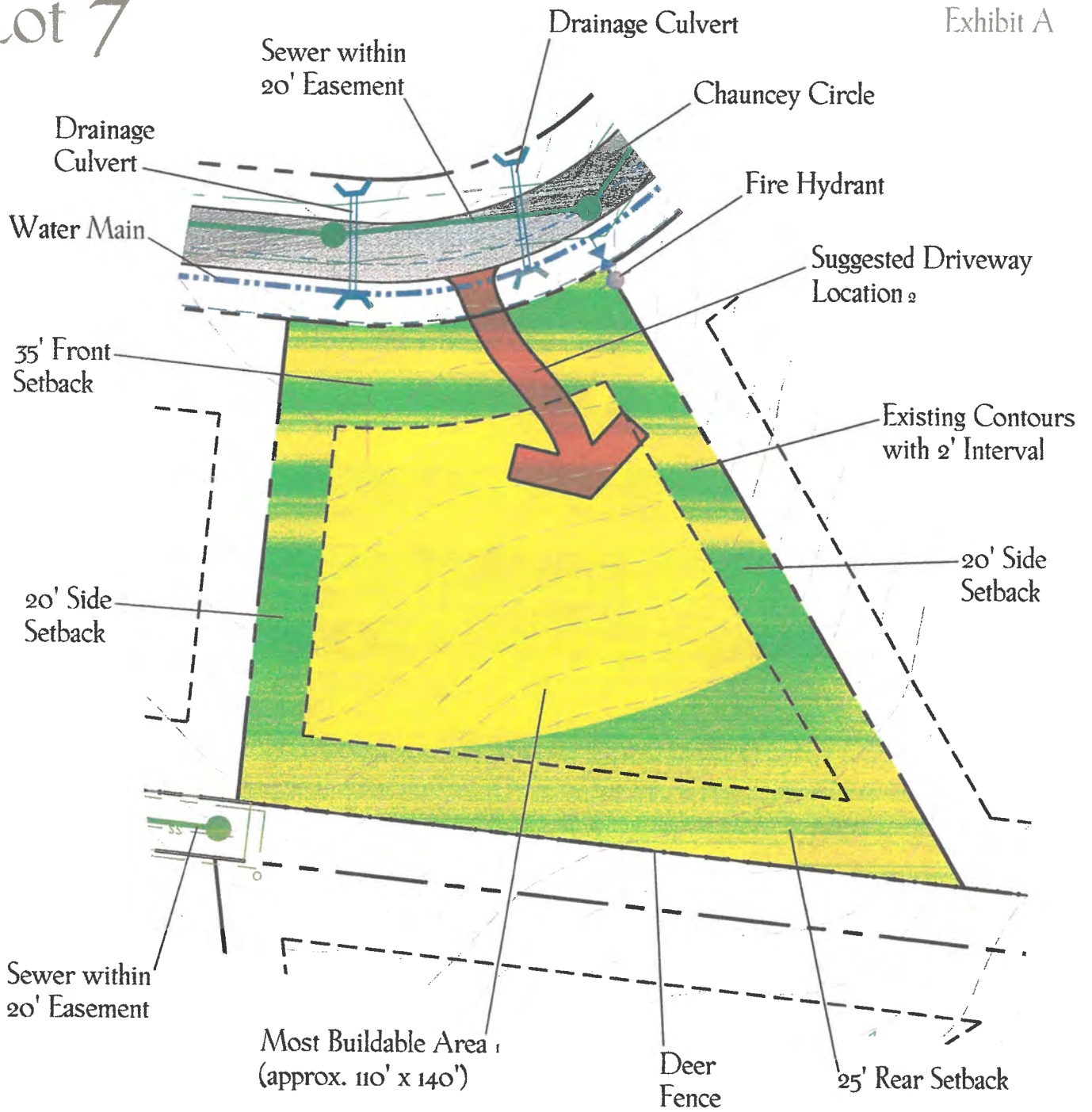
DATE: JAN 9th, 2022
 PREPARED BY: CSG
DAVIN: 978-481-7800 / DAMINGRO: 608@PHAL.COM
 HEINZ: 978-481-8700 / HEINZ@PHAL.COM
 HOME: 628-805-0908



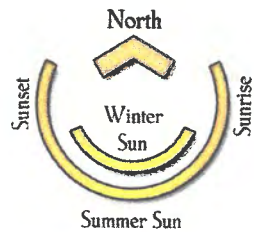
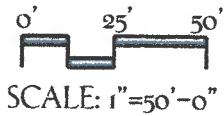


Lot 7

Exhibit A



- Notes: 1. The "most buildable area" shown is a preliminary recommendation for the house location based on setbacks, topography and the intended alignment of houses along a street. Actual house placements will vary, although no structure may extend into a front, rear or side setback.
2. The "suggested driveway location" indicated is a preliminary recommendation based on topography, visibility and other considerations. Final driveway locations will be determined through the site design and design review process.



© 2009 Ramble Biltmore Forest LLC. A portion of the Ramble is in unincorporated Buncombe County. This portion of the property may remain part of Buncombe County or may be annexed into the Town of Biltmore Forest or the City of Asheville. Setbacks shown on this plan are as established by the Ramble Design Guidelines. Most Buildable Area shown is approximate. Buildings may extend beyond this area with special design considerations. Lot acreage and boundary dimensions are preliminary and subject to recording of the final plat. Final surveyed acreage and dimensions may vary. Utility/infrastructure elements shown are based on surveyed as-built locations. Topography and existing tree locations shown are also from site survey. Contours are at a 2 foot interval.

March 19, 2009

- set back
- Area of work

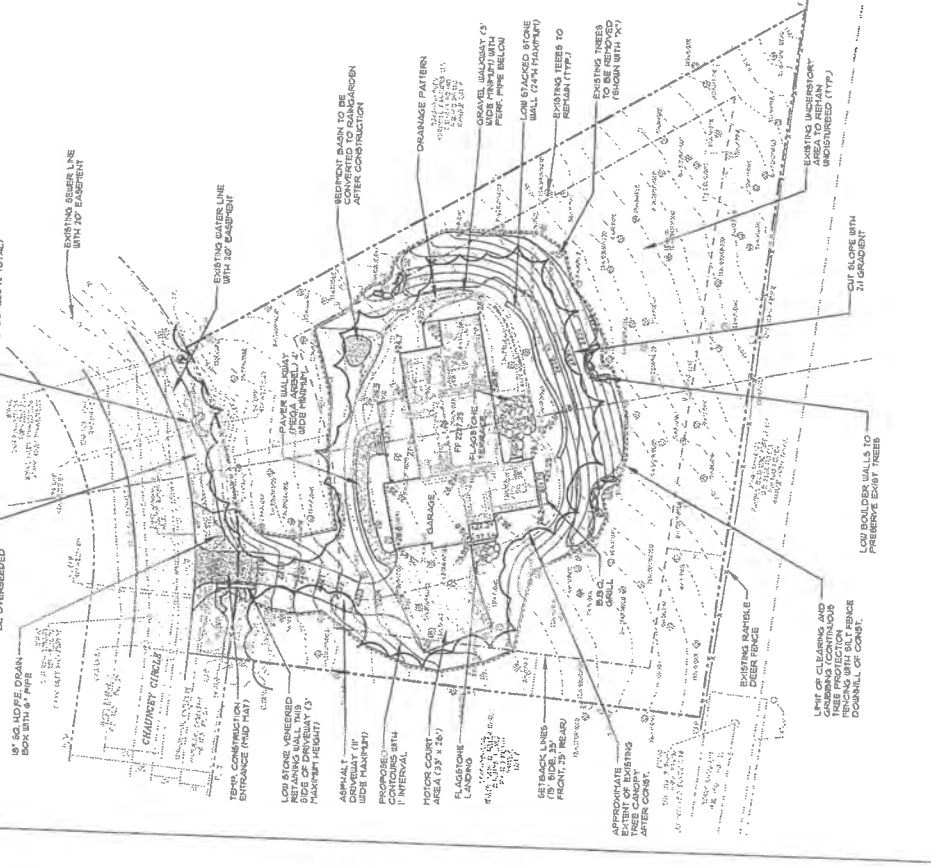
112 WYLVINGTON LANE, WYLVINGTON, PA 17253
PHONE 717-262-1100 FAX 717-262-1105

PebbleDash Builders
P.O. Box 999, ENCL, NC 27728

The Ramble at Billmore Forest
79 Chauncey Circle, Lot 7
Heinz & Dawn Grohs Residence

Preliminary Site and Landscape Plan
Date: February 9, 2016

L-1



PRELIMINARY LANDSCAPE PLAN
SCALE: 1" = 20'-0"



PRELIMINARY SITE PLAN
SCALE: 1" = 20'-0"

From: **Kathy Guyette** kcguyette@gmail.com
Subject: Project support
Date: February 15, 2023 at 11:54 AM
To: Dawn H. Grohs dawngrohs@gmail.com



Hi Dawn. Tony and I fully support your backyard project. Thank you for sharing the details of the plan.

Kathy and Tony Palazzo

Sent from my iPad

75 Chauncey Circle

From: Hoyt Almond hwalmond@gmail.com
Subject: Back Yard Patio Project
Date: Feb 16, 2023 at 8:42:25 AM
To: Dawn H. Grohs dawngrohs@gmail.com

Dawn, I want to thank you for giving us the opportunity to review your plans to expand your back patio. I want you to know, as your next door neighbor, that we enthusiastically support your project. I am confident that it will be beautiful and increase property values.

Best,
Hoyt Almond
83 Chauncey Circle



BOARD OF ADJUSTMENT MEETING

STAFF MEMORANDUM

MARCH 20, 2023

CASE 2

Property Address: 23 Stuyvesant Road

Property Owner: Ygondine Creasy

Request: Special Use Permit request for Accessory Structure

Background

The property owners request permission to construct an outdoor fireplace on an existing outside covered patio. The proposed fireplace would be 3'x6' and located on the west side of the home. The existing covered patio is on the rear of the home and in compliance with setbacks.

Special Use Permit

Section 153.029 (attached) of the Town's Zoning Ordinance regulates accessory structures and requires a special use permit from the Board of Adjustment. The ordinance notes that all accessory structures must be located within the rear or side yard and comply with setbacks. As the outdoor fireplace is considered a new accessory structure, but on top of an existing structure, setback compliance is required. This proposed structure complies with setback requirements.

Zoning Compliance Application

Town of Biltmore Forest

Name

Cameron Bolden

Property Address

23 Stuyvesant rd

Phone

(828) 734-7065

Email

cameronbolden78@icloud.com

Parcel ID/PIN Number

964687281700000

ZONING INFORMATION

Current Zoning

R-1

Lot Size

1/2 acre to 1 acre

Maximum Roof Coverage

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

Proposed Roof Coverage Total

Same as existing

Maximum Impervious Surface Coverage

Up to 1 acre (27.5 percent of lot area)

Proposed Impervious Surface Coverage

Same as existing

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

Same as existing fireplace or less

Description of the Proposed Project

Outdoor fireplace 3'x6' fireplace

Estimated Start Date

3/30/2023

Estimated Completion Date

5/30/2023

Estimated Cost of Project

\$45,000.00

Supporting Documentation (Site Plan, Drawings, Other Information)

CE1B0F9C-720C-4697-ADE3-258291ECD62C.jpeg

2CD13B7D-E3F7-4F32-B44A-153EDF2A7921.jpeg

01EA5CEE-9E8A-43D9-BC03-860878208E8A.jpeg

Applicant Signature

A handwritten signature in black ink, appearing to be 'A. B. L.' with a horizontal line extending from the end of the 'L'.

Date

2/27/2023

Special Use Permit Application

Town of Biltmore Forest

Name

Cameron Bolden

Address

Work to be performed at 23 Stuyvesant

Phone

(828) 734-7065

Email

cameronbolden78@icloud.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:

Outdoor fireplace on existing covered porch
West side of house

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

Just for personal use. I didn't think it would effect the public

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

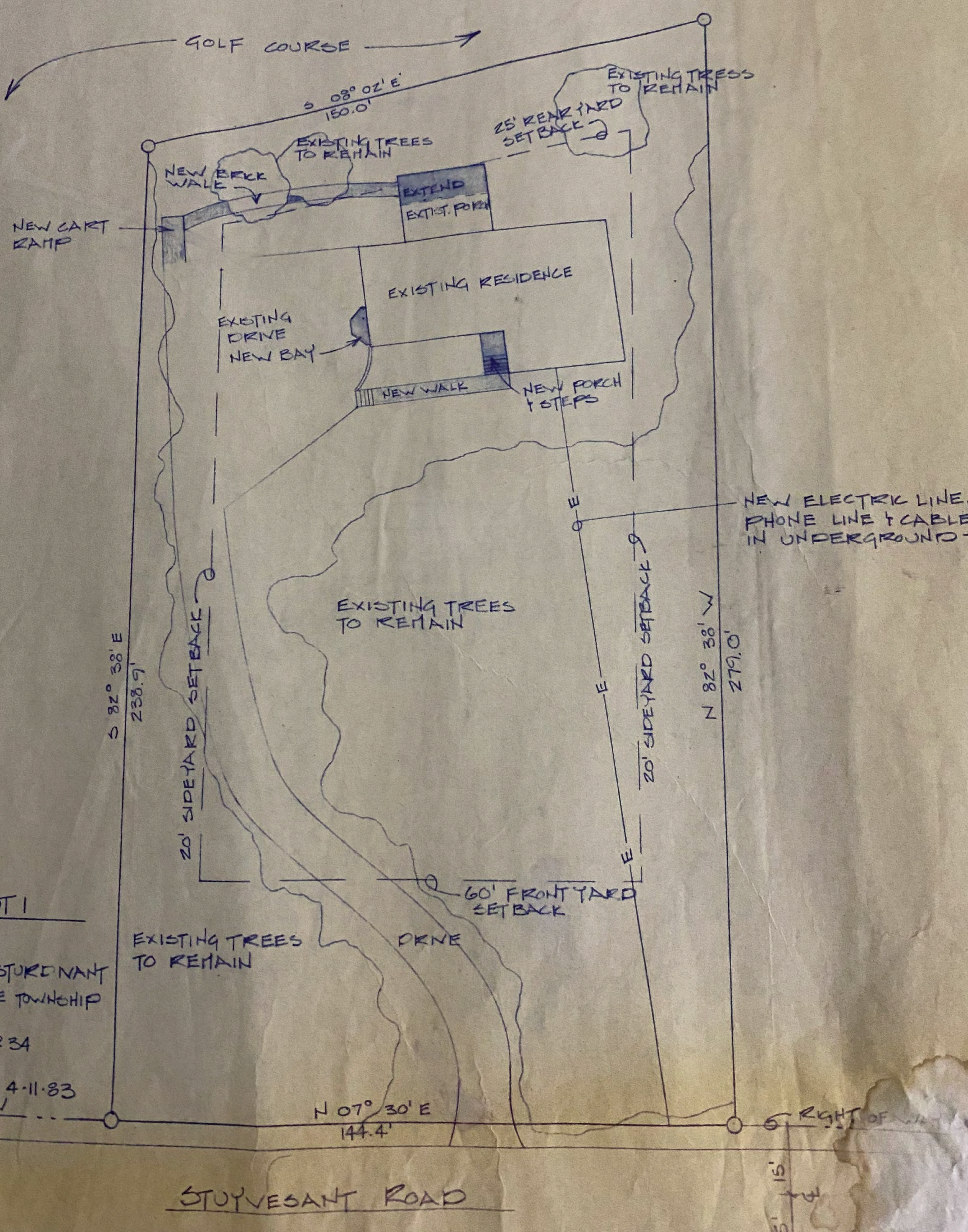
Signature

Date

2/27/2023

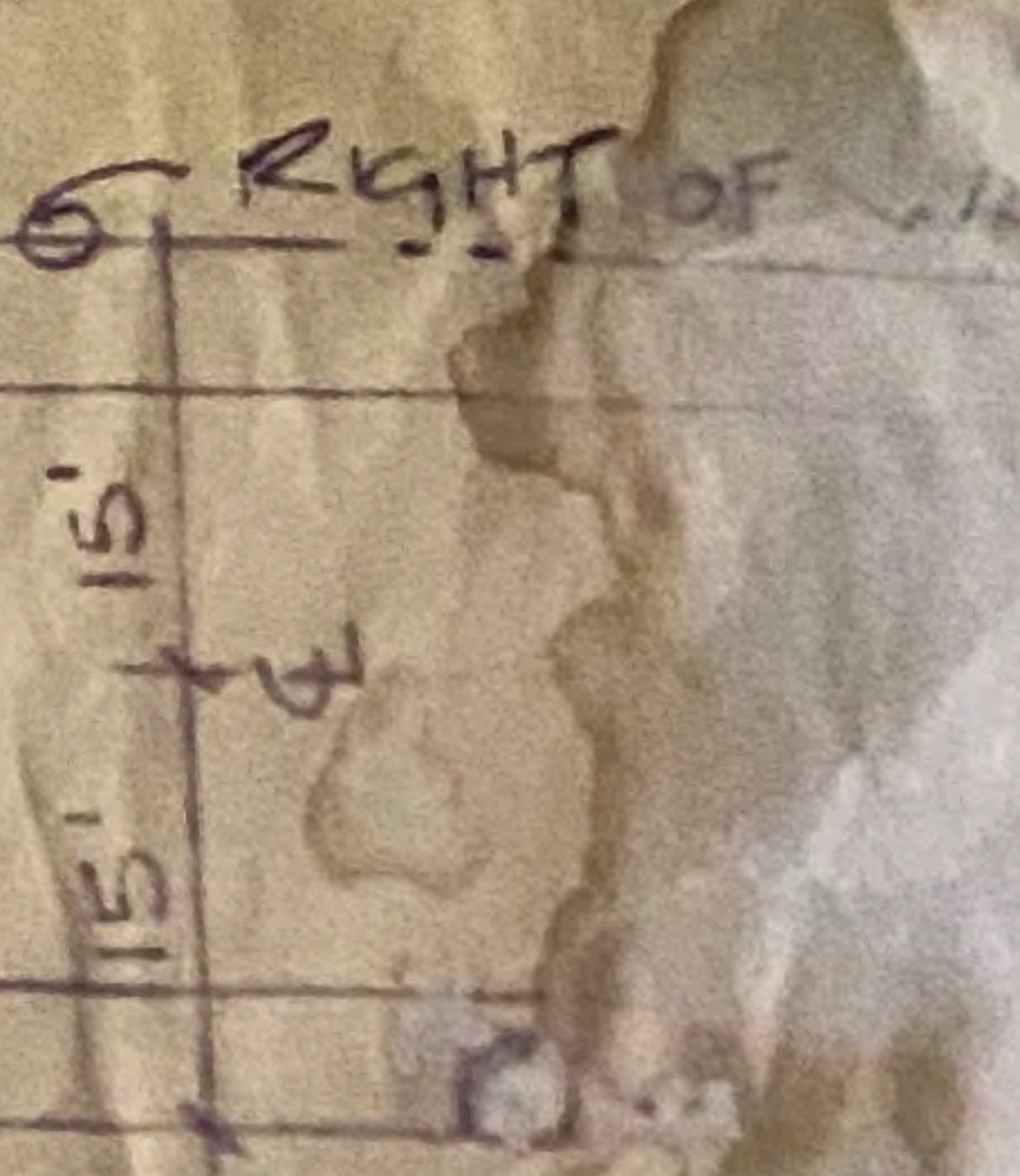


PROJECT AT THE CONTRACTOR'S OPTION. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS. THE CONTRACTOR SHALL AGREE TO MEET ALL REQUIREMENTS PER THE TOWN OF BILTMORE FOREST.

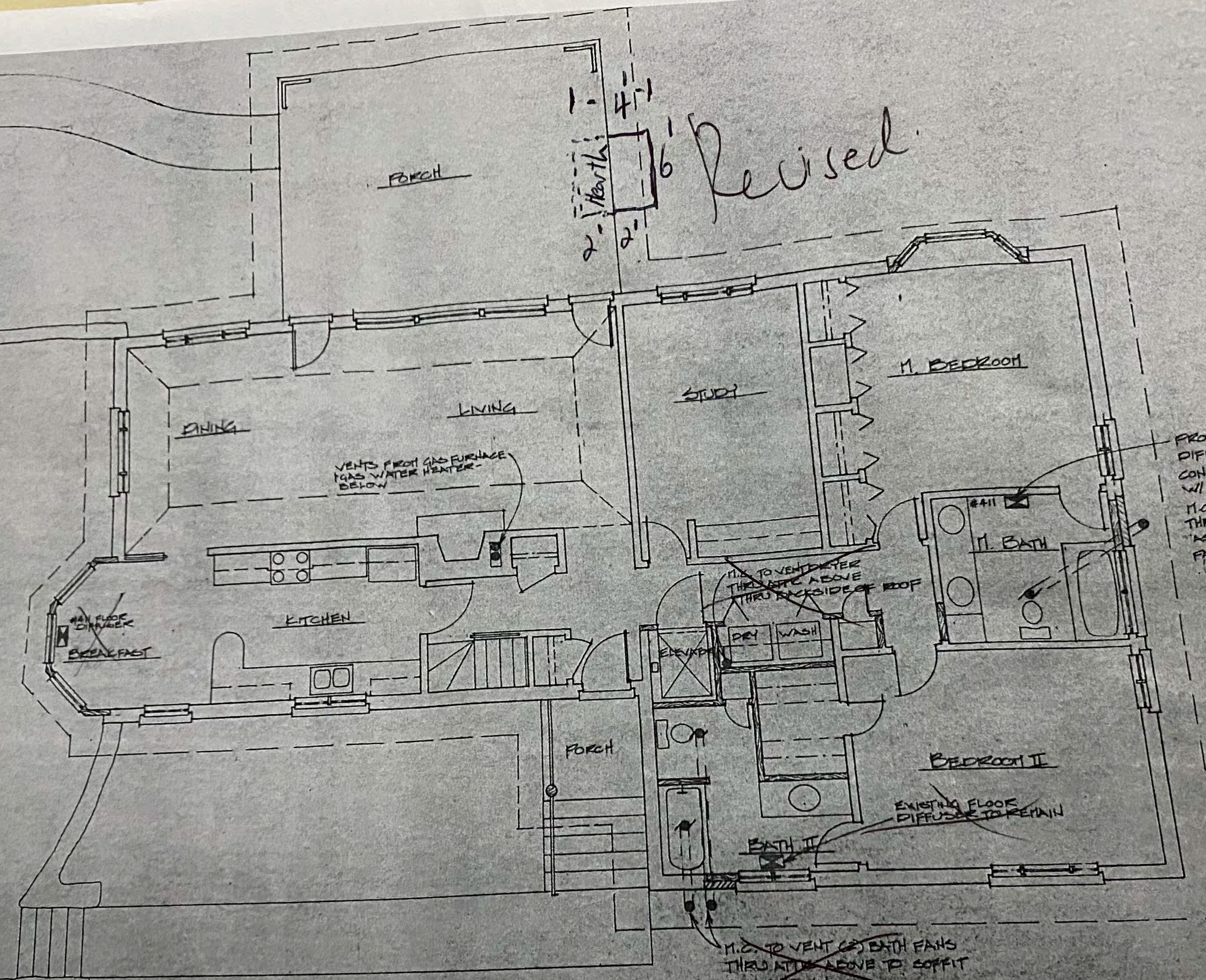


N-LOT 1
CAJAH P. STURDINANT
ASHEVILLE TOWNSHIP
N.C.
BOOK 2 P. 34
ANDERS 4-11-83
RW

STUYVESANT ROAD



Revised



PORCH

DINING

LIVING

STUDY

M. BEDROOM

VENTS FROM GAS FURNACE
GAS WATER HEATER
BELOW

PROVIDE NEW FLOOR
DIFFUSER @ BATH AS SHOWN.
CONNECT TO TRUNK DUCT BELOW
W/ INSULATED FLEXIBLE DUCT
M.C. TO VENT BATH FAN
THRU ATTIC ABOVE TO SOFFIT
AS SHOWN. E.C. TO PROVIDE
FANS-TYP.

HAN FLOOR
DINING
BREAKFAST

KITCHEN

M.C. TO VENT FAN
THRU ATTIC ABOVE
THRU BACKSIDE OF ROOF

M. BATH

DRY WASH
ELEVATOR

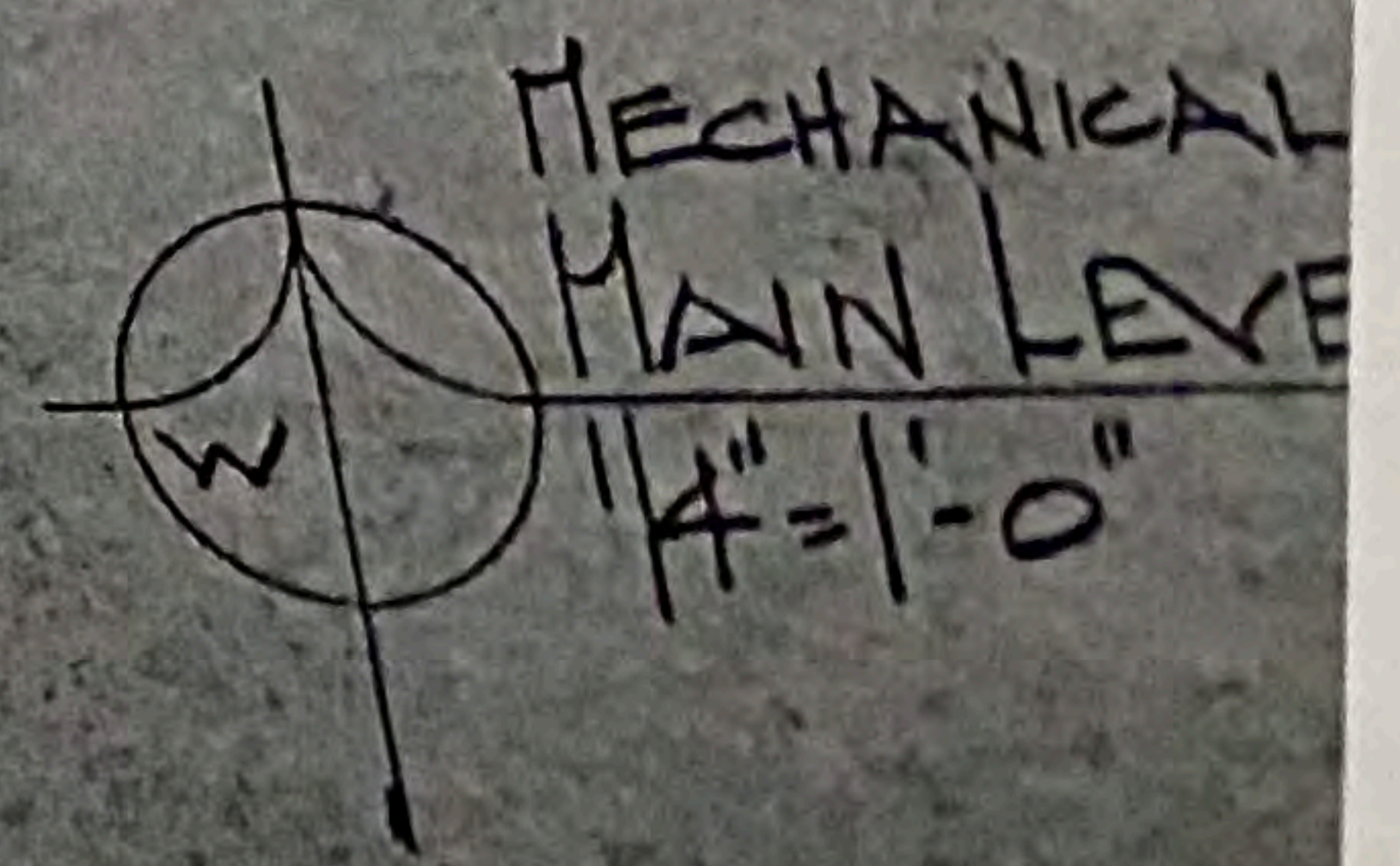
PORCH

BEDROOM II

EXISTING FLOOR
DIFFUSER TO REMAIN

BATH II

M.C. TO VENT @ BATH FANS
THRU ATTIC ABOVE TO SOFFIT
AS SHOWN



NOTE:
ALL EXISTING HVAC EQUIPMENT NOT
ADDRESSED ON THIS IS TO REMAIN



BOARD OF ADJUSTMENT MEETING

STAFF MEMORANDUM

MARCH 20, 2023

CASE 3

Property Address: 2 Amherst Road

Property Owner: Ian Poole

Request: Special Use Permit request for Accessory Building and Variance request for Encroachment into Side Yard

Background

The property owners request permission to install a detached accessory building within the rear yard at the end of an existing driveway. The proposed detached accessory building is 10'x14'. The applicant states the detached building will match the home in style and color.

Special Use Permit

Section 153.029 (attached) of the Town's Zoning Ordinance regulates accessory buildings and requires a special use permit from the Board of Adjustment. The ordinance notes all accessory buildings must be located behind a line parallel to the rear of the home and comply with setbacks. Additional requirements are included within the attached ordinance.

Variance Request

The applicant's stated location does not comply with the side yard setback for the R-1 district (20 feet). The applicant has indicated the belief that a location 10 feet from the property line is more aesthetically pleasing.

§ 153.029 ACCESSORY STRUCTURES AND BUILDINGS.

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

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

- (a) The maximum number of accessory buildings permitted on a lot shall be one;
- (b) The maximum roof coverage area for accessory buildings shall be 750 square feet;
- (c) The maximum height for accessory buildings shall be 25 feet;
- (d) The accessory building must be screened by vegetation or other buffer as set forth in §153.008;
- (e) The accessory building must be located behind a line parallel to the rear of the principal structure on the lot;
- (f) The accessory building must be designed in the same architectural style as the principal structure;
- (g) Any accessory structure and/or accessory building shall be included in the calculation of allowable roof coverage and allowable impervious surface coverage on the lot pursuant to §§ 153.043 and 153.048; and
- (h) Solar collectors shall be regulated in accordance with G.S. § 160D-914.

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

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

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

Editor's note:

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

Zoning Compliance Application

Town of Biltmore Forest

Name

Ian Poole

Property Address

2 Amherst Rd

Phone

(828) 329-4670

Email

ianpoole90@gmail.com

Parcel ID/PIN Number

ZONING INFORMATION

Current Zoning

R-1

Lot Size

.55 acres

Maximum Roof Coverage

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

Proposed Roof Coverage Total

140 sq ft

Maximum Impervious Surface Coverage

Up to 1 acre (27.5 percent of lot area)

Proposed Impervious Surface Coverage

140 sq ft

Front Yard Setback

60 feet (R-1 District)

Side Yard Setback

20 feet (R-1 District)

Rear Yard Setback

25 feet (R-1 District)

Building Height

8 ft

Description of the Proposed Project

We are wanting to add a lawn mower/yard tool shed (10x14) onto the property behind our driveway. Structure will conform to community standards and match our home in style, color, etc. The proposed location also has excellent natural cover by the house and surrounding trees. I'm also adding a row of hedges on either side to assist in the aesthetic appeal. This structure will barely be noticeable by other community members and will only increase the functionality of our lot.

Estimated Start Date

3/11/2024

Estimated Completion Date

3/15/2023

Estimated Cost of Project

\$2,500.00

Supporting Documentation (Site Plan, Drawings, Other Information)

Aerial Shed plan.png

Street View Shed Plan.png

Applicant Signature

Date
2/26/2023

Fan A Poole

Special Use Permit Application

Town of Biltmore Forest

Name

Ian Poole

Address

2 Amherst Rd

Phone

(828) 329-4670

Email

ianpoole90@gmail.com

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

Accessory Structures

The applicant must show that the proposed use will not materially endanger public health or safety or injure value of adjoining or abutting property. In addition, the proposed use must be in general conformity with the plan of development of the town and be in harmony with scale, bulk, height, coverage, density, and character of the neighborhood.

Please provide a description of the proposed project:

We are wanting to add a lawn mower/yard tool shed (10x14) onto the property behind our driveway.

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

Structure will conform to community standards and match our home in style, color, etc. The proposed location also has excellent natural cover by the house and surrounding trees. I'm also adding a row of hedges on either side to assist in the aesthetic appeal. This structure will barely be noticeable by other community members and will only increase the functionality of our lot.

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

Signature

Date

2/26/2023





Browntown Rd

Amherst Rd

Amherst Rd

Am

6





BOARD OF ADJUSTMENT MEETING

STAFF MEMORANDUM

MARCH 20, 2023

CASE 4

Property Address: 15 White Oak Road

Property Owner: Kathleen Dunlap

Request: Variance request to Exceed Maximum Roof Coverage and Impervious Surface Coverage Requirements

Background

The property owners request a variance to exceed the maximum roof coverage and impervious surface coverage for their lot. The property is 0.42 acres. The allowable maximum amounts of each category are located below:

Maximum Roof Coverage: <0.50 acres = maximum of 2,874 square feet (roof coverage)

Impervious Surface Coverage: 1 acre or less = 27.5% of lot area

The existing roof coverage exceeds the maximum allowable amount by 210 square feet. The mudroom addition would add 113 square feet. The applicants note the impervious surface amount is currently 6,201 square feet and the ordinance allows 5,031 square feet. The new addition would add 94 square feet.

Variance Request

The applicant's request references the home's construction date prior to the Zoning Ordinance as well as location of the new addition where an existing walkway and porch roof exist. The proposed mudroom is 7'7"x10'. The applicant states this roof coverage equates to 3.53 percent of the total roof coverage and 1.49 percent of the impervious surface coverage for the lot.

The maximum roof coverage and impervious surface coverage overages, if approved, are laid out as a percentage of exceedance as follows:

Maximum Roof Coverage: 11.2 percent over (existing = 7.3 percent over)

Impervious Surface Coverage: 25.1 percent over (existing = 23.2 percent over)

§ 153.043 MAXIMUM ROOF COVERAGE.

(A) (1) (a) The **MAXIMUM ROOF COVERAGE** is defined as the total area(s) under roof of all structures (including detached garages and other accessory structures) on the lot.

(b) The maximum roof coverage standard assures that the size of structures is proportional to the lot size.

(2) The standards for the maximum roof coverage permitted are as follows:

<i>Lot Size</i>	<i>Max Roof Coverage</i>
Up to 0.5 acres	2,874 square feet
Up to 0.75 acres	3,520 square feet
Up to 1 acres	4,682 square feet
Up to 1.2 acres	5,060 square feet
Up to 1.5 acres	5,500 square feet
Up to 2 acres	6,100 square feet
Up to 2.5 acres	6,700 square feet
Up to 3 acres	7,500 square feet
Up to 3.5 acres	8,200 square feet
Up to 4 acres	8,700 square feet
Up to 4.5 acres	8,900 square feet
Up to 5 acres	9,100 square feet
Up to 5.5 acres	9,300 square feet
Up to 6 acres	9,647 square feet

(B) (1) Lots exceeding 6 acres in size: Multiply the lot size by 43,560; multiply this number by 3.25% (0.0325); provided, that the result is less than 9,647, structures on the lot may have maximum roof coverage of 9,647 square feet.

(2) If the result is greater than 9,647, structures on the lot may have maximum roof coverage equal to the result produced by the multiplication.

(C) All structures exceeding the maximum roof coverage for the lot on which they are located shall require approval of a variance by the Board of Adjustment in accordance with the procedures and standards set forth in § 153.110(D).

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

§ 153.048 IMPERVIOUS SURFACE COVERAGE.

(A) (1) A maximum percentage of a residential lot that can be devoted to impervious surfaces, as defined in §153.004, is established to assure that the character of the town is preserved and to control stormwater and runoff being directed to streets and adjacent properties.

(2) The percentage of residential lots that can be devoted to impervious surfaces shall be as set forth below.

<i>Lot Size</i>	<i>Impervious Surface</i>	<i>Sample Calculations 43,560 Square Feet - 1 Acre</i>
Up to 1 acre	27.5% x lot area	E.g., 0.85 acre x 43,560 x 27.5%= 10,182 square feet
Over 1 acre to 3 acres	11,979 square feet or 25% x lot area	11,979 square feet (The maximum from the previous grade) or the product of the lot size calculation. E.g., 1.75-acre x 43,560 x 25% = 19,058 square feet
Over 3 acres to 6 acres	32,670 square feet or 20% x lot area	32,670 square feet (The maximum from the previous grade) or the product of the lot size calculation. E.g., 4.5-acres x 43,560 x 20% = 39,204 square feet

(B) Lots on which new construction and/or development activity would cause the amount of impervious surface on the lot to exceed the percentages set forth above shall proceed with the proposed construction and/or development activity only if a variance for the increased impervious surface coverage is granted by the Board of Adjustment in accordance with the

procedures set forth in § 153.110(D).

(C) The Board of Adjustment reserves the right to limit impervious surface coverage to prevent the unreasonable diversion of stormwater or surface water onto another property or properties or to the town streets.

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

Zoning Compliance Application

Town of Biltmore Forest

Name

Kathleen Dunlap

Property Address

15 White Oak Rd

Phone

(703) 943-9945

Email

kbjd111@gmail.com

Parcel ID/PIN Number

9647-9001-38-00000

ZONING INFORMATION

Current Zoning

R-2

Lot Size

0.423 acre

Maximum Roof Coverage

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

Proposed Roof Coverage Total

3,197 sf (3,084 existing + 113 sf new)

Maximum Impervious Surface Coverage

Up to 1 acre (27.5 percent of lot area)

Proposed Impervious Surface Coverage

6,295 sf (6,201 sf existing + 94 sf new)

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

existing house=30' h proposed addition= 13'6" h

Description of the Proposed Project

Removal of existing side porch, replaced by new mudroom addition.

Estimated Start Date

4/24/2023

Estimated Completion Date

6/26/2023

Estimated Cost of Project

\$25,000.00

Supporting Documentation (Site Plan, Drawings, Other Information)

020723-Dunlap.pdf

Applicant Signature

Date
2/27/2023

Kathryn G. Lopez

VARIANCE APPLICATION

Town of Biltmore Forest

Name

Kathleen Dunlap

Address

15 White Oak Rd

Phone

(703) 943-9945

Email

kbjd111@gmail.com

Current Zoning/Use

Residential

Requested Use

residential R2

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

What would you like to do with your property?

Remove an existing side porch, and in its place add a 7'7x 10' mudroom.

What does the ordinance require?

It requires a maximum impervious surface area of 5,067.12 sf, and a maximum roof coverage of 2,874 sf

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

REQUIRED FINDINGS: Please provide a thorough response to each.

Unnecessary hardship would result from the strict application of the ordinance.

If ordinance was to be strictly applied, total areas of roof and impervious surfaces would surpass the maximum allowed

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

This is a small lot, less than 0.5 acres, with an existing historic home that was built prior to the establishment of the Town ordinance. The existing structures and site features including driveway, walkways, patios already exceed the maximum allowed by the ordinance.

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

Structures that are driving up the roof and impervious areas are existing

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

The proposed mudroom area would represent 3.53% of the total roof coverage, and 1.49% of impervious surface coverage. Thus, it would have minimal impact on the property. Additionally, the location of the proposed mudroom is on existing walkway and porch roof, and those structures will be

removed prior to the construction of the new mudroom, lessening some of the impact of the proposed addition.

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

Signature

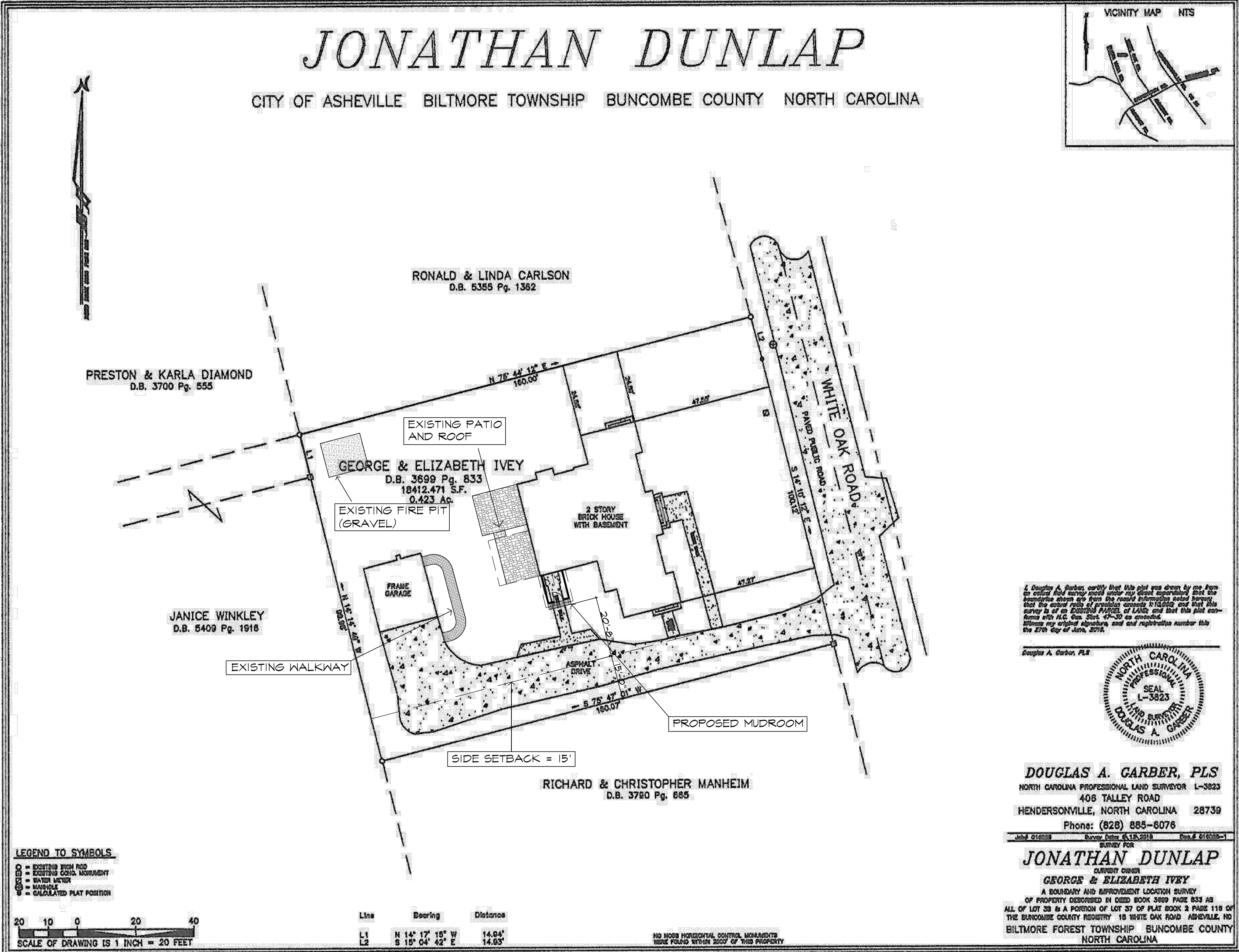
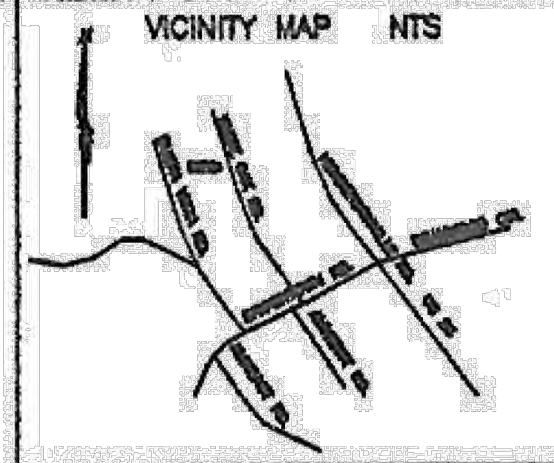
Date

2/27/2023

Karlme Bouter

JONATHAN DUNLAP

CITY OF ASHEVILLE BILTMORE TOWNSHIP BUNCOMBE COUNTY NORTH CAROLINA



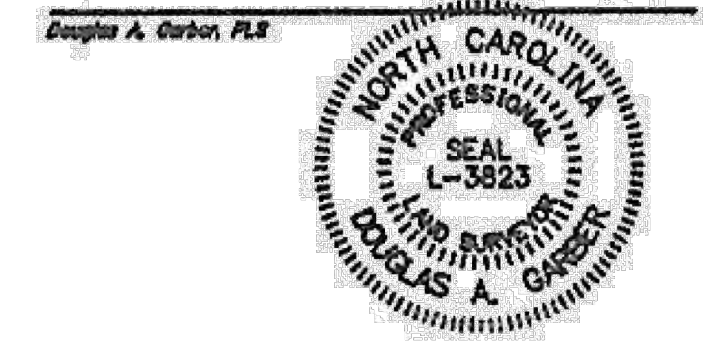
LEGEND TO SYMBOLS
 ○ = EXISTING BURN PILE
 ○ = EXISTING CURB MONUMENT
 ○ = WATER METER
 ○ = MANHOLE
 ○ = CALCULATED PLAT POSITION

20 10 0 20 40
 SCALE OF DRAWING IS 1 INCH = 20 FEET

Line	Bearing	Distance
L1	N 14° 17' 15" W	14.84'
L2	S 15° 04' 42" E	14.93'

NO MORE HORIZONTAL CONTROL MONUMENTS WERE FOUND WITHIN 200' OF THIS PROPERTY

I, Douglas A. Garber, certify that this plat was drawn by me, from an actual field survey made under my direct supervision, that the bearings shown are from the nearest substantiated north bearing, that the actual runs of ground were correctly measured and that this survey is in full compliance with the laws of this State, and that this plat conforms with N.C. Gen. Stat. 41-29 as amended. Witness my official signature and seal and registration number this 27th day of Feb, 2023.



DOUGLAS A. GARBER, PLS
 NORTH CAROLINA PROFESSIONAL LAND SURVEYOR L-3823
 406 TALLEY ROAD
 HENDERSONVILLE, NORTH CAROLINA 28739
 Phone: (828) 885-8076

JONATHAN DUNLAP
 CURRENT OWNER
GEORGE & ELIZABETH IVEY
 A BOUNDARY AND IMPROVEMENT LOCATION SURVEY
 OF PROPERTY DESCRIBED IN DEED BOOK 3889 PAGE 833 AS
 ALL OF LOT 33 IS A PORTION OF LOT 37 OF PLAT BOOK 2 PAGE 118 OF
 THE BUNCOMBE COUNTY REGISTRY 18 WHITE OAK ROAD ASHEVILLE, NC
 BILTMORE FOREST TOWNSHIP BUNCOMBE COUNTY
 NORTH CAROLINA

IMPERVIOUS AREA CALCULATION

TOTAL EXISTING IMPERVIOUS AREAS: 6,201 SF
 MAX ALLOWED PER BILTMORE FOREST ORDINANCE = 5,067 SF
 27.5% LOT AREA
 LOT AREA = 0.43 ACRES = 18,425.88 SF
 18,425.88 x 0.275 = 5,067 SF MAXIMUM

PROPOSED MUDROOM WOULD ADD 94 SF OF IMPERVIOUS AREA, FOR A NEW TOTAL OF 6,295 SF
 NEW MUDROOM REPRESENTS 1.49 % OF TOTAL IMPERVIOUS AREA

ROOF COVERAGE CALCULATION

TOTAL EXISTING ROOF COVERAGE: 3,084 SF
 MAX ALLOWED PER BILTMORE FOREST ORDINANCE = 2,874 SF

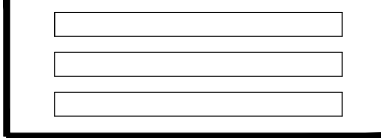
PROPOSED MUDROOM WOULD ADD 113 SF OF ROOF COVERAGE, FOR A NEW TOTAL OF 3,197 SF
 NEW MUDROOM ROOF REPRESENTS 3.53% OF TOTAL ROOF COVERAGE

PRELIMINARY

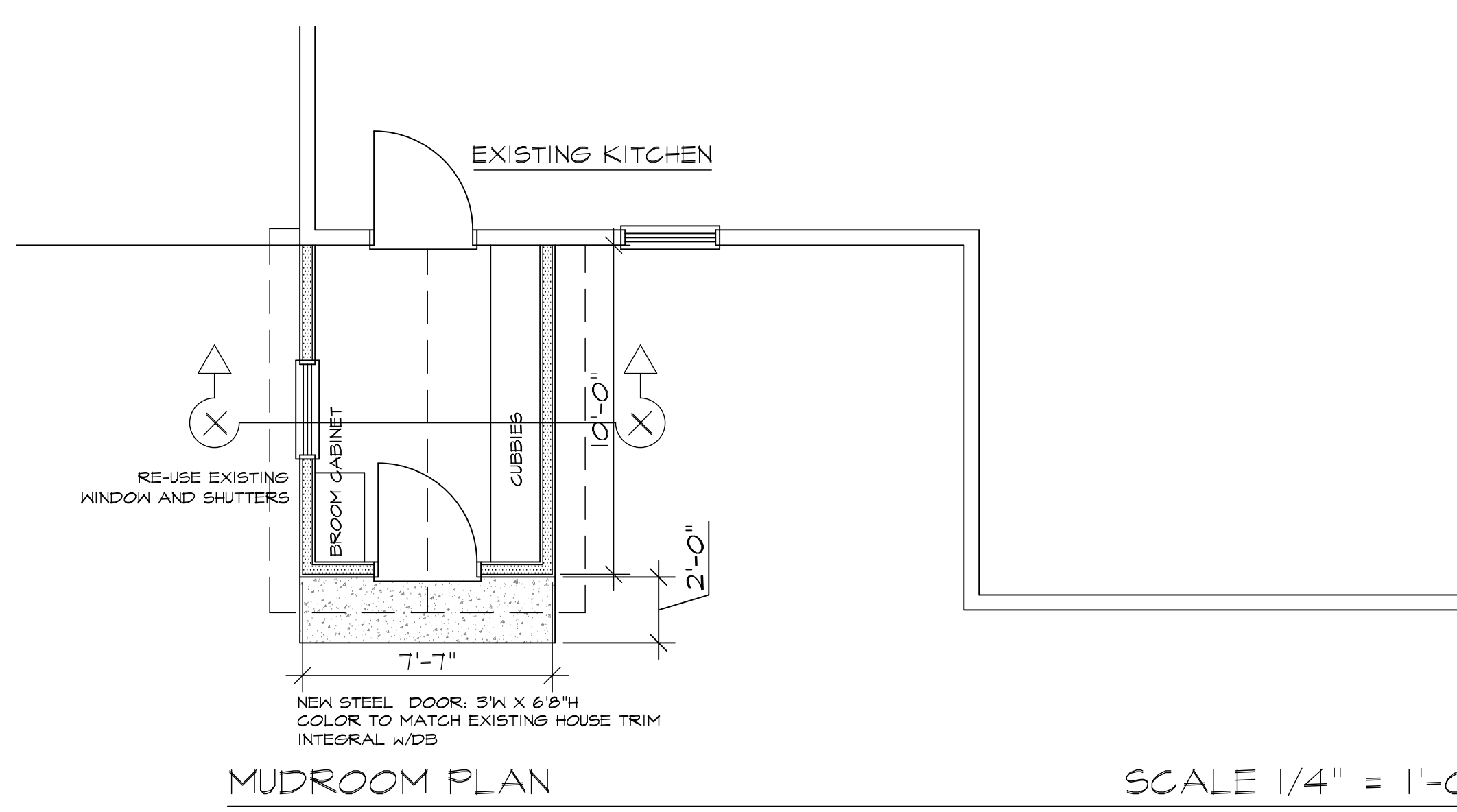
casa design studio, pllc
 Mariana Kilpatrick, NC-ARB
 28a Espresso Lane, Hendersonville, NC
 (828) 216-8198

dunlap residence
 MUDROOM ADDITION FOR KATHLEEN DUNLAP
 15 WHITE OAK ROAD - BILTMORE FOREST - NORTH CAROLINA

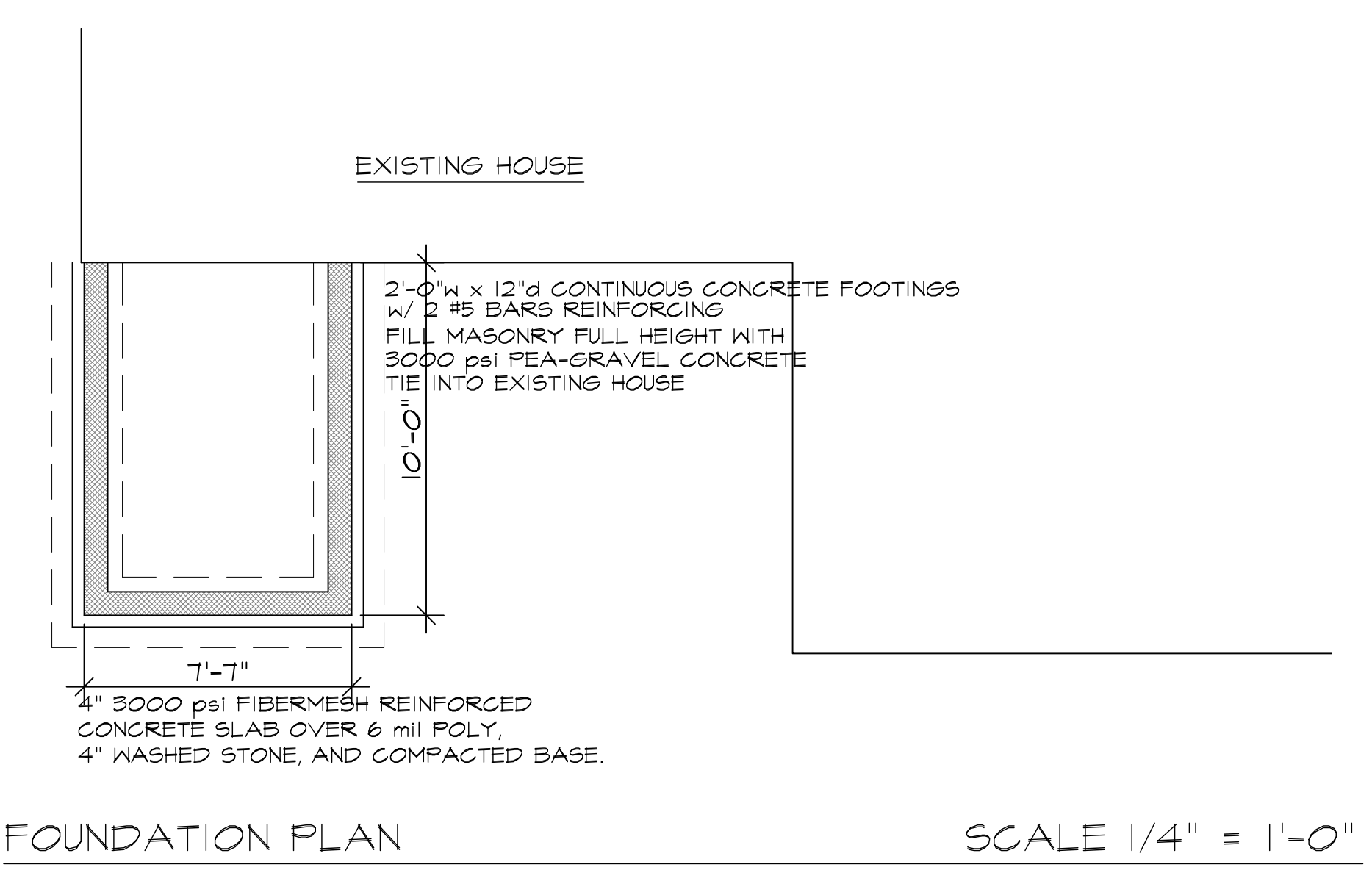
07 FEB 2023



1



SCALE 1/4" = 1'-0"



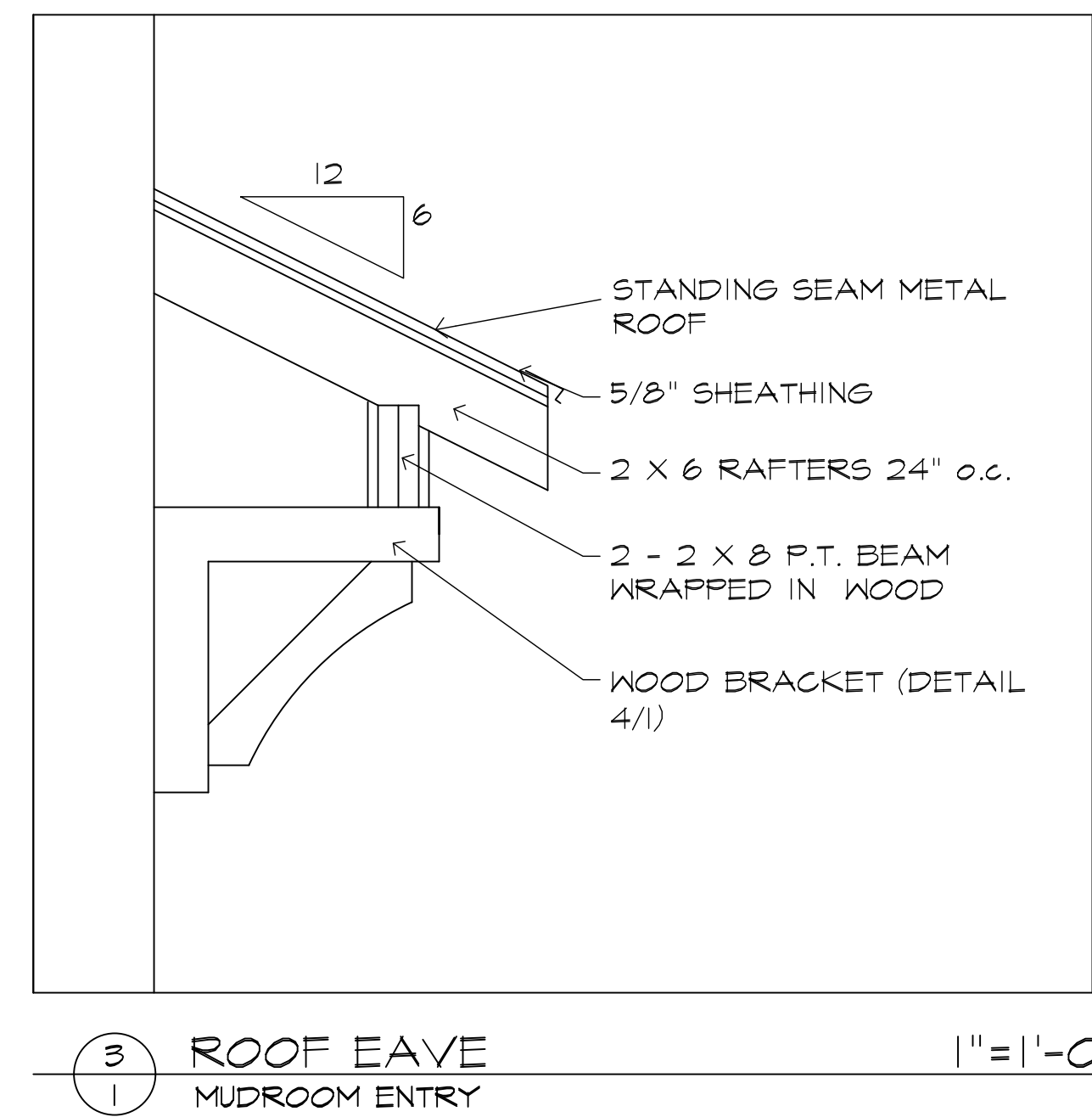
SCALE 1/4" = 1'-0"



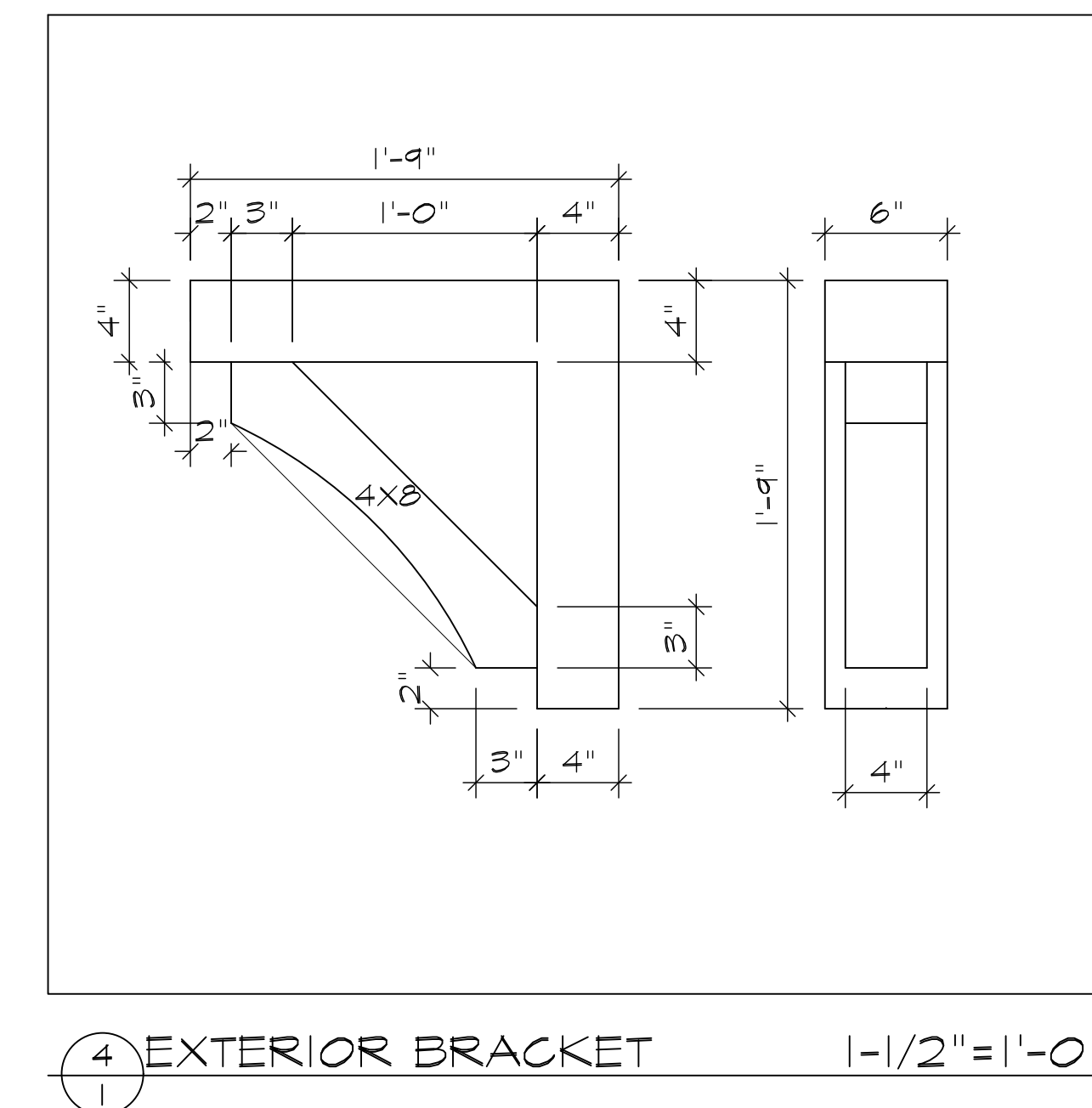
SCALE 1/4" = 1'-0"



SCALE 1/4" = 1'-0"



1" = 1'-0"



1-1/2" = 1'-0"

PRELIMINARY

casa design studio, pllc

Mariana Kipatrik, NC:ARB

28a Espresso Lane, Hendersonville, NC
(828)216-8198

dunlap residence

MUDROOM ADDITION FOR KATHLEEN DUNLAP

15 WHITE OAK ROAD - BILTMORE FOREST - NORTH CAROLINA

07 FEB 2023

REVISIONS

1



BOARD OF ADJUSTMENT MEETING

STAFF MEMORANDUM

MARCH 20, 2023

CASE 5

Property Address: 23 Cedar Hill Drive

Property Owner: Konstandin and Toni Barlas

Request: Variance request to Exceed Maximum Roof Coverage and Encroach into Side Yard Setback

Background

The property owners request a variance to exceed the maximum roof coverage and to remove an existing wall and re-construct the wall within the side yard setback. The roof coverage threshold for the applicant's property is shown below.

Maximum Roof Coverage: 1.5 acres = maximum of 5,500 square feet (roof coverage)

The proposed roof coverage exceeds the maximum allowable amount by 1,350 square feet. In addition, the applicants are requesting a variance to extend their existing retaining wall (on the setback line) into the setback by 10 feet.

Variance Request

The applicant's request for exceeding maximum roof coverage would result in an exceedance of 24.5 percent of the maximum roof coverage ordinance. The intrusion into the setback is requested to be ten (10) feet. The side setback for the R-1 district is 20 feet. A copy of each ordinance is attached to this memo.

§ 153.043 MAXIMUM ROOF COVERAGE.

(A) (1) (a) The **MAXIMUM ROOF COVERAGE** is defined as the total area(s) under roof of all structures (including detached garages and other accessory structures) on the lot.

(b) The maximum roof coverage standard assures that the size of structures is proportional to the lot size.

(2) The standards for the maximum roof coverage permitted are as follows:

<i>Lot Size</i>	<i>Max Roof Coverage</i>
Up to 0.5 acres	2,874 square feet
Up to 0.75 acres	3,520 square feet
Up to 1 acres	4,682 square feet
Up to 1.2 acres	5,060 square feet
Up to 1.5 acres	5,500 square feet
Up to 2 acres	6,100 square feet
Up to 2.5 acres	6,700 square feet
Up to 3 acres	7,500 square feet
Up to 3.5 acres	8,200 square feet
Up to 4 acres	8,700 square feet
Up to 4.5 acres	8,900 square feet
Up to 5 acres	9,100 square feet
Up to 5.5 acres	9,300 square feet
Up to 6 acres	9,647 square feet

(B) (1) Lots exceeding 6 acres in size: Multiply the lot size by 43,560; multiply this number by 3.25% (0.0325); provided, that the result is less than 9,647, structures on the lot may have maximum roof coverage of 9,647 square feet.

(2) If the result is greater than 9,647, structures on the lot may have maximum roof coverage equal to the result produced by the multiplication.

(C) All structures exceeding the maximum roof coverage for the lot on which they are located shall require approval of a variance by the Board of Adjustment in accordance with the procedures and standards set forth in § 153.110(D).

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

§ 153.048 IMPERVIOUS SURFACE COVERAGE.

(A) (1) A maximum percentage of a residential lot that can be devoted to impervious surfaces, as defined in §153.004, is established to assure that the character of the town is preserved and to control stormwater and runoff being directed to streets and adjacent properties.

(2) The percentage of residential lots that can be devoted to impervious surfaces shall be as set forth below.

<i>Lot Size</i>	<i>Impervious Surface</i>	<i>Sample Calculations 43,560 Square Feet - 1 Acre</i>
Up to 1 acre	27.5% x lot area	E.g., 0.85 acre x 43,560 x 27.5%= 10,182 square feet
Over 1 acre to 3 acres	11,979 square feet or 25% x lot area	11,979 square feet (The maximum from the previous grade) or the product of the lot size calculation. E.g., 1.75-acre x 43,560 x 25% = 19,058 square feet
Over 3 acres to 6 acres	32,670 square feet or 20% x lot area	32,670 square feet (The maximum from the previous grade) or the product of the lot size calculation. E.g., 4.5-acres x 43,560 x 20% = 39,204 square feet

(B) Lots on which new construction and/or development activity would cause the amount of impervious surface on the lot to exceed the percentages set forth above shall proceed with the proposed construction and/or development activity only if a variance for the increased impervious surface coverage is granted by the Board of Adjustment in accordance with the

procedures set forth in § 153.110(D).

(C) The Board of Adjustment reserves the right to limit impervious surface coverage to prevent the unreasonable diversion of stormwater or surface water onto another property or properties or to the town streets.

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

Zoning Compliance Application

Town of Biltmore Forest

Name

Konstandin Barlas

Property Address

23 Cedar Hill Drive

Phone

(828) 777-5550

Email

tonipanorios@aol.com

Parcel ID/PIN Number

9646423424

ZONING INFORMATION

Current Zoning

R-1

Lot Size

1.285

Maximum Roof Coverage

5,500 square feet (Up to 1.5 acres)

Proposed Roof Coverage Total

6850

Maximum Impervious Surface Coverage

1-3 acres (25 percent of lot area)

Proposed Impervious Surface Coverage

13995

Front Yard Setback

60 feet (R-1 District)

Side Yard Setback

20 feet (R-1 District)

Rear Yard Setback

25 feet (R-1 District)

Building Height

26 feet at peak

Description of the Proposed Project

We do not have a basement for our kids to play in so the only option is to build an addition to the home. We have a large home with many small rooms. Because of the layout of our bedrooms and current bathrooms, it is impossible to work within the confines of the current structure of the home. We have spent countless hours of planning with several builders, designers, structural engineers and architects. They all have come to the same conclusion, in order to achieve a more family friendly home with a playroom for our kids, we must build an addition. We are also asking for a portion of our wall, surrounding the driveway and proposed addition, be moved back 10 feet. This would enable us to use our driveway properly and access our pool area.

Estimated Start Date

5/1/2023

Estimated Completion Date

11/1/2023

Estimated Cost of Project

\$200,000.00

Supporting Documentation (Site Plan, Drawings, Other Information)

Applicant Signature

A handwritten signature in black ink, consisting of several fluid, connected strokes. The signature is positioned to the left of the date.

Date
3/13/2023

VARIANCE APPLICATION

Town of Biltmore Forest

Name

Konstandin Barlas

Address

23 Cedar Hill Drive

Phone

(828) 337-6327

Email

tonipanorios@aol.com

Current Zoning/Use

Residential

Requested Use

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

What would you like to do with your property?

We would like to make an additional room for our boys to have a playroom and a covered patio.

What does the ordinance require?

The ordinance requires a total of 5,500 square feet under roof area. We are requesting an additional 1,350 covered roof area for our new room addition and covered porch.

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

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

The unnecessary hardship is the fact that our house currently has three covered areas that are considered part of the under roof construction, two covered porches and a covered pool deck, that serve no real purpose and does not allow us to expand to meet the needs of our family. The new addition and new covered patio off the kitchen will serve the home much better esthetically and functionally.

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

The hardship is due to the fact that we have a beautiful big home with no where for our kids to play. This home is nothing but small rooms. We have tried everything to make this home work, but we keep coming back to the same problem, we need a large playroom. The covered areas we have now that are counted toward our under roof construction are not at all functional. In the warmer months when friends and family come to visit, our covered patio is so far away from the house that we are constantly running from one side of the yard to the other just to get a simple item from our kitchen, not to mention having to walk around a pool. Having guests over always turns into a marathon of running back and forth.

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

We inherited this layout and are trying to meet the needs of our family while keeping the integrity of the home and neighborhood. One hardship of this home is due to its under roof constraints. By allowing us to make the additional room and covered patio, it will truly solve the needs of not only my family but for future families as well. Without being able to do simple day to day chores due to layout problems or constantly trying to rearrange rooms for play areas that never work due to the sizes or flow of this house has exhausted us. By limiting our options of renovations due to the under roof ordinance restrictions has created a true hardship for our family. Because of the flow of the house in its current state it is virtually impossible to renovate from only the inside, because it would never feel right. We have brought three architects, four construction companies, one structural engineer and multiple designers to this home and they all said the same thing. "It would feel that we knocked down walls that would in actuality feel wrong or just not feel right." One of the things I appreciate about this neighborhood is that every house has character and charm. And in keeping with that character we want the addition to feel right and not feel like something that was just added later. By allowing this variance the home will flow inside and out and serve a purpose. In this case the right way means asking for the variance.

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

This variance combined with our other variance submitted earlier will give this property a new life. The purpose of this variance is to give my kids a proper play area and functionality this home deserves but does not currently have. The intent of the ordinance is to maintain the building standards this neighborhood all abides by, but I believe the ordinance also sees that in certain cases variances need to be given to not restrict families who are truly trying to solve problems and enhance the homes overall function and value. When the previous home owner built this house his children were a lot older than mine. The rooms and spaces may have worked for him, but does not work or accommodate young children. Our intent was to always renovate this house but not knowing the constraints of the under roof square footage requirements (that include under the patios as part of the overall under roof square footage) have left us only to be able to ask for a variance.

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

Signature

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned below the signature label.

Date

2/27/2023

VARIANCE APPLICATION

Town of Biltmore Forest

Name

Antonia Barlas

Address

23 Cedar Hill Dr

Phone

(828) 337-6327

Email

tonipanorios@aol.com

Current Zoning/Use

residential

Requested Use

residential

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

What would you like to do with your property?

We would like to extend our side wall by ten feet to make our driveway functional.

What does the ordinance require?

It requires a 20 foot setback.

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

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

The unnecessary hardship that has resulted from the strict application of the ordinance is that the wall was built too close to the garages. Are existing driveway is very narrow and not functional, making it virtually impossible to use our garages or driveway. We currently own three vehicles that have to be strategically placed in order to be able to maneuver in and out of our driveway. Not a single garage can be entered without doing a multipoint turn. We are currently two drivers that reside here, but in a few years there will be five drivers, it will be impossible to park in the driveway without having to move cars in and out of the existing gate, let alone use the garages. In fact in the six years of living here we have never parked our cars in any of the garage spaces.

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

The shape of the lot angles in as you enter the gate, from the second you enter into the driveway you are not able to widen your turn to be able to park in any of the three garage spaces. The further you enter, the narrower it gets, making it virtually impossible for me to be able to go in and out of the driveway with ease, I always have to maneuver my way out.

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

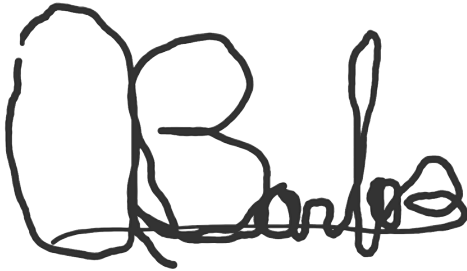
We did not design the house, and the hardship was there when we purchased it.

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

The variance is consistent with the spirit of this home and the integrity of Biltmore Forest. We believe the intent of the setback is to provide the neighborhood with consistency while maintaining certain standards everyone must abide by, but still recognize that not every property is the same and in some cases variances are needed. We absolutely love the look and safety the wall has provided our family, but have also dealt with its inherited limitations. Our request to move the wall 10 feet out, still provides a setback space between our property and the vacant property next to us, while still respecting the established 10 foot utility setback. The purpose of the variance is to make our driveway functional while still maintaining the architecture beauty of this unique property and home. We feel the wall is essential to not only the look, the feel, and functionality of our home, but it also secures this property and provides public safety by deterring kids to access our backyard where we have a pool. Twice our neighbors two year old was found in nearby properties hiding in the backyard. We feel the design of the new section of our wall will meet all standards and eliminate all hardships we have faced due to its space limitation because of the setback.

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

Signature

A handwritten signature in black ink, appearing to read "Banks". The signature is stylized with a large, rounded initial "B" and a long, horizontal stroke extending to the right.

Date

2/27/2023

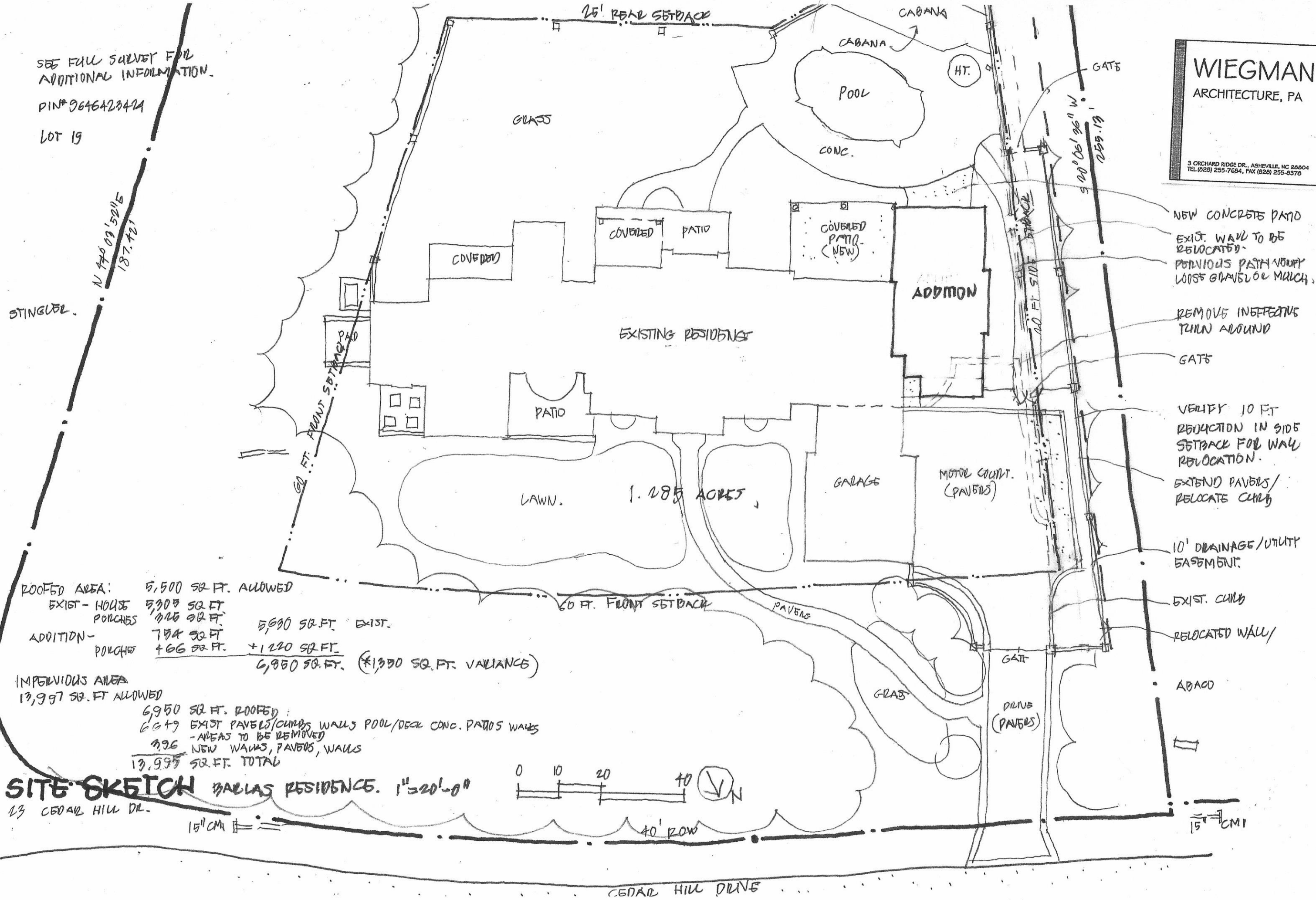
SEE FULL SURVEY FOR
ADDITIONAL INFORMATION.

PIN# 9646423424

LOT 19

WIEGMAN
ARCHITECTURE, PA

3 ORCHARD RIDGE DR., ASHEVILLE, NC 28804
TEL. (828) 255-7664, FAX (828) 255-6376



ROOFED AREA: 5,500 SQ. FT. ALLOWED

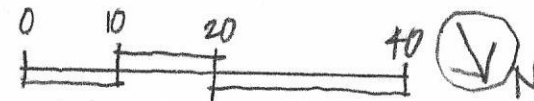
EXIST - HOUSE	5,300 SQ. FT.	5,690 SQ. FT. EXIST.
PORCHES	200 SQ. FT.	
ADDITION -	784 SQ. FT.	+1,220 SQ. FT.
PORCHES	466 SQ. FT.	
		6,950 SQ. FT. (*1,300 SQ. FT. VARIANCE)

IMPERVIOUS AREA
13,997 SQ. FT. ALLOWED

6,950 SQ. FT. ROOFED	
6,649 EXIST PAVES/CURBS WALLS POOL/DECK CONC. PATIOS WALKS	
- AREAS TO BE REMOVED	
396 NEW WALKS, PAVES, WALLS	
13,995 SQ. FT. TOTAL	

SITE SKETCH BARIAS RESIDENCE. 1"=20'-0"

13 CEDAR HILL DR.

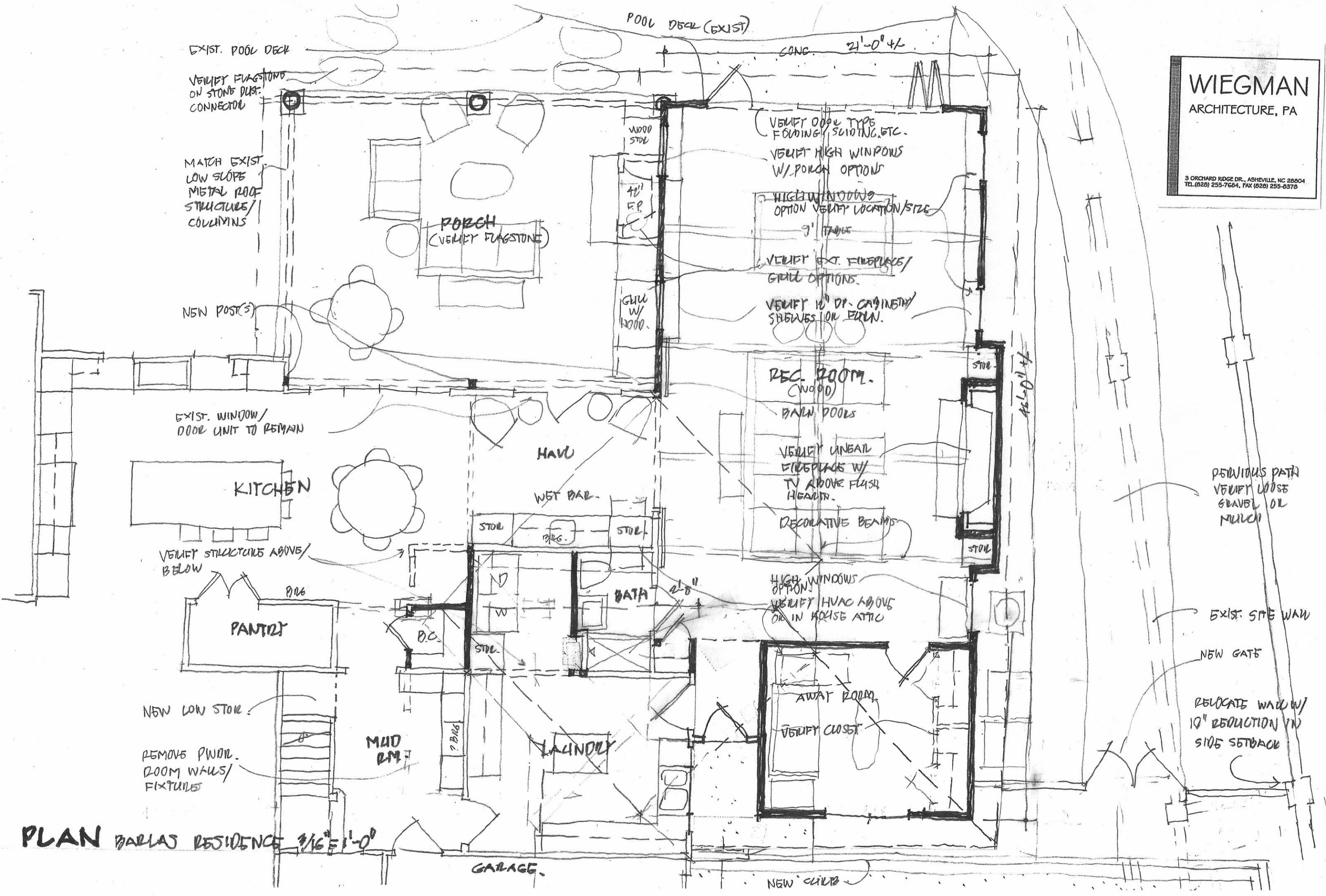


15" CM1

40' ROW
CEDAR HILL DRIVE

- NEW CONCRETE PATIO
- EXIST. WALL TO BE RELOCATED
- PORTION OF PATH WOULD LOSE GRAVEL OR MULCH
- REMOVE INEFFECTIVE TURN AROUND
- GATE
- VERIFY 10 FT REDUCTION IN SIDE SETBACK FOR WAY RELOCATION
- EXTEND PAVES/RELOCATE CURB
- 10' DRAINAGE/UTILITY EASEMENT
- EXIST. CURB
- RELOCATED WALL
- ABACO

15" CM1



PLAN BARLAS RESIDENCE 3/16" = 1'-0"

WIEGMAN
ARCHITECTURE, PA
3 ORCHARD RIDGE DR., ASHEVILLE, NC 28904
TEL. (828) 255-7684, FAX (828) 255-8378



ADDITION

1 SOUTH ELEVATION
A-1 1/8"=1'-0"

WIEGMAN
ARCHITECTURE, PA
3 ORCHARD RIDGE DR., ASHEVILLE, NC 28804
TEL. (828) 255-7684, FAX (828) 255-8378



3 NORTH ELEVATION
A-7



4 EAST ELEVATION
A-1

From: [tonipanorios](#)
To: [Jonathan Kanipe](#)
Subject: 23 CEDAR HILL DR/Addition with variance
Date: Monday, February 27, 2023 10:14:35 PM
Attachments: [FinalSideAddition](#)

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

Hello Jonathan, can you please include this letter when you submit our plan addition to the committee. Also will I be able to attend the meeting in March?

To Whom It May Concern,

Over the course of the last three years, we have been relentlessly, trying to create a playroom for our children. We started off by submitting a side edition plan, which got accepted. We were very excited about it, but at the same time, reluctant in going forth, because of the fact that we kept feeling that the addition would hinder our driveway, which already is hard for us on a daily basis. We tried, and tried to come up with somewhere on our lot that we can make an addition, the only other place we had any room to do so, was in the front yard. We submitted a plan for an addition in the front, and that one also was accepted. We decided to proceed with that plan. In our desperation, we started getting bids, which were much more than we anticipated due to the changes that needed to be done in the house in order to be able to get to the new addition. Also the grading, sewer and foundation in the front addition were extremely difficult and would cost a small fortune to say the least. But our main source of hesitation was because this room addition would ideally be on the other side of the house where we initially intended it to be, closer to the pool, backyard and kitchen area. As I mentioned earlier, we have spent a tremendous amount of time and money trying to figure this out. We can't help but feel very stressed as we watch our kids get older by the day, and yet we still do not have a playroom/ hangout room for them. In our desperation we started looking for other homes. We even had a very generous offer on our house which is not even on the market. Unfortunately we could not find a house that met our needs, five bedrooms with a basement and all the amenities that we currently have, that was in Biltmore Forest. We love this neighborhood and really want to make this addition. In order to proceed we would need a variance to add an additional 1,350 square feet of under roof construction and to extend our sidewall by 10 feet. This would leave a 10 foot buffer between our wall and the neighbors vacant property line while still allowing for the 10 foot utility setback. For two years we have made several attempts to buy a portion of that lot seeing that it's on the market. Unfortunately, the owner has not been receptive. If you walk our property you will immediately see that the driveway is very narrow and extremely hard to maneuver in and out. It is a true inherited hardship. In fact, in the six years that we have lived here we have never parked our cars in our garage. In the next few years our three boys will be driving and that will make it even more difficult to get in and out of the driveway, let alone parking in the garage. Currently all three of our garage bay doors are impossible to get in and out of without making many multipoint turns. To put it plainly they are all inaccessible. If we were to build the first plan that you accepted, it would also be very difficult to access the backyard with heavy machinery for any unforeseen repairs especially since our pool is starting to show signs of its age. We are extending the wall past the new renovation for esthetic purposes and to make the new addition feel like it was always there.

We want the new addition to feel and look like it was always there, and meant to be part of the original design of the home. We plan to turn the wall back to its current location directly after the new room addition to give the appearance that it was always there. We even found one of the architects who was involved in the building of this home and he remembered that the side wall encroached too much on the driveway due to the shape of the lot. He said it would never be built this way by today's requirements. Our architect also believes that our driveway is very narrow and inadequate. We have fine-tuned the initial plan that was accepted, not in square footage, but in functionality, and to accommodate us for the years to come. We understand that the under roof area is more than what is currently allowed but we are stuck due to the flow of this house and the only way to make it feel right is by adding to it. We truly kept the addition to a minimum and wish we could add more but, we do not want to overbuild

the lot. Even though technically we are over the covered square foot requirements, due to the unique shape of the the driveway, pool area and new addition we really think this addition will bring this home to it's former glory while creating new and exciting memories for our family and others in this neighborhood for years to come. We want to keep the integrity of this house and add to the beauty of this neighborhood. We are really excited about this addition and hoping to move forth, we think this addition and variance is the right move for this house, neighborhood and our family. Please know that you are more than welcome to come and walk this property so you could see for yourselves that it is a true hardship.

With Sincere Gratitude,
Barlas family