



**BOARD OF ADJUSTMENT
AUGUST 2, 2018
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
4:30 PM**

I. Call to Order

II. Approval of Minutes

A. July 5, 2018

III. Old Business

A. Findings of Fact 95 Oak Hills Rd. Appeal

IV. Public Hearing

A. Public Hearing No. 1

The purpose of the public hearing is to receive testimony for a variance request from section 9.7.1.4(C) Sign Regulations: Attached Sign Standards for the property at 300 Magnolia Rd., Pinehurst NC. This property is also defined as Moore County PID# 00025797. This property is located within the VMU (Village Mixed Use) Zoning District and the Historic Preservation Overlay District. Specifically, the applicant John May, attorney for Pinehurst, LLC is requesting a variance from the six (6) square foot allowable area and number for wall signs at Pinehurst Brewery.

V. General Business

VI. Next Meeting Date

A. September 6, 2018

VII. Motion to Adjourn

Vision: The Village of Pinehurst is a charming, vibrant community which reflects our rich history and traditions.

Mission: Promote, enhance, and sustain the quality of life for residents, businesses, and visitors.

Values: Service, Initiative, Teamwork, and Improvement.



JULY 5, 2018
ADDITIONAL AGENDA DETAILS:

ATTACHMENTS:

Description

📎 July 5, 2018



**BOARD OF ADJUSTMENT
JULY 5, 2018
COUNCIL CONFERENCE ROOM
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
4:00 PM**

MINUTES

Board Members in Attendance:

Fred Engelfried, Chair
Cyndie Burnett, BOA
Julia Latham, BOA ETJ Vice-Chair
Mike Marsh, BOA
Leo Santowasso, BOA

Staff in Attendance:

Alex Cameron, Senior Planner
Gwendy Hutchinson, Planning and Administrative Assistant

1. Call to Order

Chair Engelfried confirmed that there was a quorum present and called the meeting to Order.

Chair Engelfried appointed Cyndie Burnett as a permanent member for the Board of Adjustment.

2. Approval of Minutes and Transcript

A. June 7, 2018

Leo Santowasso made a motion to approve the June 7, 2018 Minutes and Transcript; Julia Latham seconded the motion, which was unanimously approved.

3. Old Business

A. Findings of Fact for Variance 67 Deerwood Lane – Docket # 02-18

Leo Santowasso made a motion to affirm the Findings of Fact for a variance for 67 Deerwood Lane with the condition that the fireplace cannot be constructed in the required setback and the proposed patio can be built up to twenty (20') feet from the rear property line; Mike Marsh seconded the motion, which was unanimously approved.

Poll the Board

Fred Engelfried	Yes
Cyndie Burnett	Yes
Julia Latham	Yes
Mike Marsh	Yes
Leo Santowasso	Yes

The vote was 5-0 to affirm the Findings of Fact for a variance for 67 Deerwood Lane.

B. Findings of Fact for Variance 4 Peachtree Lane – Docket # 03-18

Mike Marsh made a motion to affirm the Findings of Fact for a variance at 4 Peachtree Lane with no conditions; Leo Santowasso seconded the motion, which was unanimously approved.

Poll the Board

Fred Engelfried	Yes
Cyndie Burnett	Yes
Julia Latham	Yes
Mike Marsh	Yes
Leo Santowasso	Yes

The vote was 5-0 to affirm the Findings of Fact for a variance at 4 Peachtree Lane.

4. Next Meeting Date

A. August 2, 2018

5. Motion to Adjourn

With no further discussion, Leo Santowasso made a motion to adjourn; Mike Marsh seconded the motion, which was unanimously approved.

Village of Pinehurst: Vision: The Village of Pinehurst is a charming, vibrant community which reflects our rich history and traditions. Mission: Promote, enhance, and sustain the quality of life for residents, businesses, and visitors.



**FINDINGS OF FACT 95 OAK HILLS RD. APPEAL
ADDITIONAL AGENDA DETAILS:**

ATTACHMENTS:

Description

 Findings of Fact

BEFORE THE VILLAGE OF PINEHURST BOARD OF ADJUSTMENT

IN RE: PETITION & APPEAL BY)
S. KENT SMITH FOR JAMES P.)
FLANAGAN, PROPERTY OWNER)

Order

This matter was before the Village of Pinehurst Board of Adjustment (“Board”) on May 3, 2018, pursuant to an appeal by Petitioner from an action and decision of the Zoning Administrator in applying the regulatory provisions of section 9.1(E) “Required Setbacks: Allowable Encroachments into Required Yards” of the Pinehurst Development Ordinance regarding a patio at 95 Oak Hills Rd. Pinehurst, NC. Petitioner was represented by S. Kent Smith and the Village of Pinehurst (“VOP”) was represented by Alex Cameron, Planner. The Board of Adjustment has reviewed the Record submitted to the Board, and has considered the arguments of counsel, upon which it makes the following:

FINDINGS OF FACT

1. Mr. Flanagan owns the property at 95 Oak Hills Rd. Pinehurst, NC also identified as Moore County PID# 00023786. The property is zoned R-10 under the Pinehurst Development Ordinance.
2. The appellant contracted with a landscaping contractor to construct a patio in the rear yard of the property and such patio was constructed without any required permits from the Village of Pinehurst Planning and Inspections Department.
3. On October 10, 2017, the Village of Pinehurst Planning and Inspections Department received a complaint that work was being done without a permit. After an inspection confirmed the complaint VOP staff contacted the landscape contractor to inform them that a permit is required and what the process would be.
4. On November 10, 2017, the landscaping contractor informed the Village that the matter had been turned over to Mr. Flanagan, property owner. After several attempts to contact Mr. Flanagan, Jamie Reed, Planning Technician sent a letter on December 13, 2017 to Mr. Flanagan informing him that the work was in violation of Section 4.2.1 of the Pinehurst Development Ordinance and what steps were needed to submit for a permit.

5. On January 12, 2018 the Planning and Inspections Department received an incomplete application for the patio along with a survey that indicated the patio encroached into the required golf course setback based on Section 9.1.E and Table 9.2a of the Pinehurst Development Ordinance. The application was denied by staff on January 16, 2018 due to the encroachment.
6. On January 19, 2018 a Notice of Violation was sent to Mr. Flanagan stating the application had been denied and that the patio must be removed or ensure the patio is compliant and can be permitted and approved by staff no later than February 23, 2018 or face a civil citation.
7. On February 23, 2018 the Planning and Inspections Department received an application to appeal the decision of the Zoning Administrator.

BASED UPON THE FOREGOING FINDINGS OF FACT, THE BOA MAKES THE
FOLLOWING CONCLUSIONS OF LAW

1. The patio that was constructed on the property required a development permit to be issued per Section 4.2.1.
2. The setback requirements of Section 9.1.E and Table 9.2a of the Pinehurst Development Ordinance apply to Mr. Flanagan's patio.
3. Mr. Flanagan's patio does not comply with the setback requirements of the Pinehurst Development Ordinance.

Based upon the foregoing Findings of Fact and Conclusions of Law, the BOA upholds the Zoning Administrator's decision.

This the _____ day of _____, 2018.

Fred Engelfried
Chairman of the Village of Pinehurst
Board of Adjustment



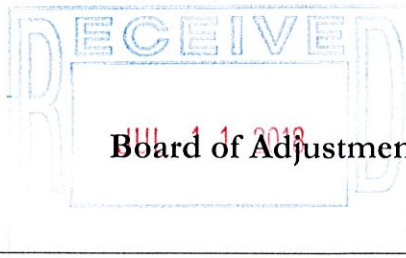
PUBLIC HEARING NO. 1
ADDITIONAL AGENDA DETAILS:

The purpose of the public hearing is to receive testimony for a variance request from section 9.7.1.4(C) Sign Regulations: Attached Sign Standards for the property at 300 Magnolia Rd., Pinehurst NC. This property is also defined as Moore County PID# 00025797. This property is located within the VMU (Village Mixed Use) Zoning District and the Historic Preservation Overlay District. Specifically, the applicant John May, attorney for Pinehurst, LLC is requesting a variance from the six (6) square foot allowable area and number for wall signs at Pinehurst Brewery.

ATTACHMENTS:

Description

- ☐ Application
- ☐ Deed
- ☐ Proposed Sign
- ☐ Proposed Wall Signs
- ☐ Staff Memo



Application for
Board of Adjustment – Request for a Variance

(revised 7/12/17)

Fee: \$400.00

BOARD OF ADJUSTMENT MEETING SCHEDULE –
please check village website www.vopnc.org

REQUEST FOR VARIANCE PROCEDURES

- SUBMIT (12) sets of Plans and or Applications – (24"x 36") or (18"x 24")
- Plans and Applications must be submitted (4) four weeks prior to the next scheduled BOA meeting. Plans must be folded with the application attached.

Applicant: John M. May Owner: Pinehurst LLC

Applicant Address: 120 Applecross Rd, Pinehurst, NC Owner Address: P O Box 4000, Pinehurst, NC 28374

Applicant Phone Number: 910-692-4000 Owner Phone Number: 910-235-8409

Applicant e-mail: jmay@rmrattorneys.com

Legal Relationship of applicant to property owner: Legal Counsel
(Attach to this application evidence of legal relationship of applicant to owner)

Request:

I, John M. May, hereby petition the Board of Adjustment of the Village of Pinehurst for a variance from Section(s) 9.7.1.4 (C) Attached Sign Standards of the Pinehurst Development Ordinance which states:

"Signage shall be permitted subject to the standards in the tables below. Wall signs permitted in Zone VMX (aka VMU) maximum area permitted 6 SF."

Property Description: Adaptive Reuse to Pinehurst Steam Plant Zoning District: VMU

Property Location: (address) 300 Magnolia Road, Pinehurst, NC

Moore County Parcel ID #: 25797



Application for Board of Adjustment – Request for a Variance

(revised 7/12/17)

Petition:

A variance from the regulations of this section may be granted by the Board of Adjustment if it finds that strict enforcement of the regulations would result in practical difficulties or unnecessary hardships to the applicant for the variance, and that, by granting the variance, the intent of this section and the Pinehurst Development Ordinance will be observed, public safety and welfare secured, and substantial justice done. It may reach this conclusion if it finds: (Applicant must make a statement supporting each finding, attach additional pages in necessary.)

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

Please see attached Narrative, in addition to comments below.

Wall signs are not permitted to be larger than 6 SF. This size sign would hardly be visible from the street, making the location more difficult to find. The signs would not be properly proportioned for the size and location of the building. Folks in vehicles would be searching for or trying to read small signs, and perhaps not be paying attention to the road. Clearly not a pedestrian friendly condition +

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

Please see attached Narrative, in addition to comments below.

The particular size of the building and it's unique location & set back approximately 70 ft. from Magnolia Road, lends itself to somewhat larger building signs than 6 SF to be more correct proportionately. The single tenancy reduces the number of signs necessary. Small signs would not be pedestrian friendly.

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

Please see attached Narrative, in addition to comments below.

The Owner of the property has owned the facility prior to the adoption of the Sign Ordinance and did not create this hardship.

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

Fewer signs due to the single tenancy will reduce clutter & somewhat larger signs than permitted by the ordinance would, in this case, make the location easier to find, promoting better traffic safety and a more friendly pedestrian environment. We feel that this request is consistent with the spirit, purpose, & intent of the ordinance and will help to serve the public safety and welfare +



Application for
Board of Adjustment – Request for a Variance

(revised 7/12/17)

Therefore, on the basis of all the foregoing, it is ordered that the application for a variance be (GRANTED ____ or DENIED ____), subject to the following conditions:

Ordered this _____ day of _____, 20_____.

(Chairman)

(Secretary)

Please attach proof of ownership, such as a copy of a deed.

10 July 2018

Adaptive Reuse to the Pinehurst Steam Plant
300 Magnolia Road, Pinehurst, NC

Request for Variance to the Sign Ordinance Section 9.7.1.4 (C)

Narrative

The property owner has owned the Power Plant parcel prior to the adoption of the Sign Ordinance and prior to the most recent rezoning of the property. The repurposing of this 123 year old building into a Brew Pub could not have been foreseen years ago, and signage is just one of the many unusual and unique challenges this project has presented.

The existing building sits back approximately 70 feet from Magnolia Road and is a single tenancy. It is fair to say that the facility will be a point of destination and most patrons will arrive by motor vehicle. This is very different than most business structures found in the core village, which are located close to the street and have the benefit of pedestrian traffic passing a few feet from building signage.

The signage proposed for this project includes:

- A. 9-1/2 inches high pegged-off bronze metal letters over the front door facing south towards the new parking area. This sign is 12 square feet in area.
- B. A white washed "artistic" sign painted on the brick at the northwest corner of the building, facing west towards Magnolia Road. The intent is for this sign to be muted and to be reminiscent of signage found on many buildings in rural North Carolina +/- 100 years ago, and in keeping with the historic character of this project. This sign is approximately 29 square feet in area.
- C. Once again, white washed "artistic" lettering painted on the extended existing smoke stack, located on the east side of the building. The sign will face southwest, with large letters 24 inches high announcing "PINEHURST" and small letters 12 inches high at the bottom spelling "BREWING CO." This concept is not unlike the painted smoke stack at the repurposed historic AMERICAN TOBACCO site in Durham, NC or the water tower in Pinehurst.

We feel that the size and character of the signage proposed responds appropriately to the location and size of the building. We also feel that the signs are in keeping with the Historic Commission's overall guidelines. People in vehicles attempting to find the facility will have a much easier time locating the building, supporting public safety and welfare. This will also help to make the area more pedestrian friendly.

Please refer to the application form for our response to the four (4) variance questions regarding practical difficulties or unnecessary hardships.

PARID: 00025797
TOWNSHIP: RESORTS OF PINEHURST INC

CITYNAME: PINEHURST

300 MAGNOLIA RD
NBHD: 655D
ROLL: REAL

Parcel

ParID / PIN: 00025797 / 855200976860

Record Type: REAL

Tax Year: 2018

Tax Jurisdiction: PH:

Township: 06 : MINERAL SPRINGS

Owner

Account Number: 71828000

Name: RESORTS OF PINEHURST INC

ATTN: RICHARD HIGGINBOTHAM

PO BOX 4000

Mailing Address: PINEHURST NC 28374

Legal

Physical Address: 300 MAGNOLIA RD

Legal Description 1: POWER PLANT LOT 1110

Zoning: VMU

Plat Cabinet:

Slide:

Permits

Permit Date	Permit #	Purpose	Open/Closed
16-NOV-17	17-305	5492 HTSF	
05-SEP-17	17-247	EXT REPAIR	
06-DEC-99	873	TANKREMOV	
02-SEP-99	705	DEMO	

Recorded Transaction

Date	Book	Page	Sale Price	Validity Code
25-FEB-85	529	409	0	
01-JAN-85	527	785	0	

Description

NBHD Code / Name: 655D :

Class: CI : COM IMPROVED

Land Use: 105 : REASEARCH & DEVELOPMENT

Living Units: 0

Topography: 1 : LEVEL

Location: 8 :

Parking: 1 : OFF STREET

Traffic: :

Utilities: 1 : ALL PUBLIC

Restrictions: :

Deeded Acres: 1.32

Calculated Acres: 1.28

VC Notice / VC Date: R : 09-MAR-15

TAX ADDRESS
RECORDING \$6.50
STAMP
TOTAL \$6.50

BOOK 529 PAGE 409

FEB 25 2 34 PM '85

529 409

RECEIVED
REGISTERED
MAR 1 1985

Excise Tax

Recording Time, Book and Page

Tax Lot No.

Parcel Identifier No.

Verified by

County on the day of

by

LISTED
FEB 25 1985

Mail after recording to J. Donnell Lassiter, Esq., 3300 NCNB Plaza, Charlotte, NC 28280

This instrument was prepared by J. Donnell Lassiter, Esq.

Brief description for the Index

NORTH CAROLINA NON-WARRANTY DEED

THIS DEED made this 15th day of February, 1985, by and between

GRANTOR

PINEHURST, INC.
P.O. Box 819012
Dallas, Texas 75381

GRANTEE

RESORTS OF PINEHURST, INC.
P.O. Box 819012
Dallas, Texas 75381

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the Village of Pinehurst, Mineral Springs Township,

Moore County, North Carolina and more particularly described as follows:

All of the Grantor's right, title and interest in and all of those certain tracts of land, and the buildings, improvements and structures now or hereafter erected thereon, more particularly described in that certain Correction Deed dated January 2, 1985, filed on January 3, 1985 and recorded in Book 527, Page 785.

See also Correction Deed recorded in Book 520, Page 19.

410

529

529

The property hereinabove described was acquired by Grantor by instrument recorded in

A map showing the above described property is recorded in Plat Book page

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

The Grantor makes no warranty, express or implied, as to title to the property hereinabove described.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

PINEHURST, INC.

(Corporate Name)

BY: Michael J. O'Donnell

Michael J. O'Donnell, President

ATTEST:

Randolph D. Addison

Randolph D. Addison

Secretary (Corporate Seal)

USE BLACK INK ONLY

(SEAL)

(SEAL)

(SEAL)

(SEAL)

SEAL - STAMP

TEXAS

DALLAS

County.

I, a Notary Public of the County and State aforesaid, certify that

MICHAEL J. O'DONNELL

Grantor,

personally appeared before me this 15th day of FEBRUARY, 1985 and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 15th day of FEBRUARY, 1985.

My commission expires: 2/14/89

Brenda J. Lingo Notary Public

SEAL - STAMP

NORTH CAROLINA-MOORE COUNTY, TEXAS

County.

I, a Notary Public of the County and State aforesaid, certify that

Randolph D. Addison

Secretary of

personally came before me this day and acknowledged that he is

.....

Secretary of

Pinehurst, Inc., a North Carolina corporation, and that by authority duly

given and as the act of the corporation, the foregoing instrument was signed in its name by its

President, sealed with its corporate seal and attested by him

.....

Secretary.

Witness my hand and official stamp or seal, this 20th day of February, 1985.

My commission expires: 2-17-88

Betty Jean Thomas Notary Public

North Carolina-Moore County

The foregoing Certificate(s) of

Betty Jean Thomas Notary Public of Dallas County, Texas

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof. This 25th. day of February, 1985

Grier Gilmore

Moore

COUNTY

REGISTER OF DEEDS FOR

By Mary R. Priggs Deputy/Assistant-Register of Deeds.

N.C. Bar Assoc. Form No. 1 © 1971

Printed by Agreement with the N.C. Bar Association - 1981

POOLE PRINTING CO., INC. P.O. BOX 17208 RALEIGH, N.C. 27618

BOOK 527 PAGE 785

FILED 527 PAGE 785

JAN 3 2 54 PM '85

CORRECTION DEED

STATE OF NORTH CAROLINA)
COUNTY OF MOORE)

ss.:

1985 This Correction Deed made as of this 2nd day of January, 1984, by PINEHURST ENTERPRISES, INC. (formerly known as Pinehurst, Inc.), a North Carolina corporation having an address at P. O. Box 8200, Carolina Way, Pinehurst, North Carolina (Grantor) to PINEHURST, INC. (formerly known as Resorts of Pinehurst, Inc.), a North Carolina corporation having an address at P. O. Box 819012, Dallas, Texas 75381 (Grantee).

WITNESSETH:

Grantor, for a valuable consideration paid by the Grantee, the receipt and adequacy of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple all of the Grantor's right, title and interest in all and singular those certain tracts of land, and the buildings, improvements and structures now or hereafter erected thereon, situate, lying and being in the County of Moore, State of North Carolina and more particularly described in Exhibit A annexed hereto and made a part hereof (the "Premises");

TOGETHER WITH the appurtenances and all the estate and rights of the Grantor in and to the Premises, and all right, title and interest, if any, of the Grantor, in and to the land lying in the streets and roads, opened or proposed, in front of or adjoining said Premises and of, in and to any strips or gores of land adjoining the Premises;

TOGETHER, ALSO, with all fixtures, chattels and articles of personal property now attached to or located in or upon said Premises and used or usable in connection with any present operation of the Premises or the activities at any time conducted therein, including without limitation, all machinery, appliances, fittings, furniture or furnishings and fixtures of every kind used in the operation of the improvements standing on the Premises;

TOGETHER, ALSO, with any and all interest or interests in and to any and all oil, gas, minerals and mining rights, water rights and water courses in, on or under said Premises;

TOGETHER, ALSO, with all rights of way, privileges, reversions and easements heretofore reserved, assigned or conveyed to Grantor or its predecessors in title.

Drawn by [illegible] to:
Don L. [illegible]
3500 N. [illegible]
Chapel Hill, N.C. 27514

TAX ADDRESS
RECORDING
STAMP
TOTAL

300° 527 786

TO HAVE AND TO HOLD the Premises and all other property, privileges, rights, interests and franchises hereby granted and conveyed or intended so to be unto the Grantee in fee simple.

This Deed is for the purpose of correcting the description of the property conveyed by the Grantor to the Grantee by Special Warranty Deed dated September 6, 1984 and recorded in Book 523 Page 469 in the Moore County Public Registry.

IN WITNESS WHEREOF, the Grantor has caused this Deed to be signed in its corporate name by its duly authorized officers, and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

PINEHURST ENTERPRISES, INC.

(CORPORATE SEAL)

ATTEST:

By:

Secretary

By:

Edward E. Coleman

Edward E. Coleman
Chief Executive Officer

STATE OF NORTH CAROLINA)

COUNTY OF MOORE)

ss.:

This 2 day of January, 1985, personally came before me, a Notary Public in and for said County and State, Edward E. Coleman, who, being by me duly sworn, says that he is Chief Executive Officer of PINEHURST ENTERPRISES, INC., that the seal affixed to the foregoing instrument in writing is the corporate seal of said Corporation and that said Deed was signed and sealed by him in behalf of said Corporation by its authority duly given. And the said Sohn Kasse, Secretary, acknowledged said instrument in writing to be the act and deed of said Corporation.

My commission expires:

1-21-85

Edward E. Coleman
Notary Public

NORTH CAROLINA
The foregoing is acknowledged before me by
Brenda J. Blakely Notary Public

Moore

State of N. C.

My commission expires January 3, 1985

- 2 - Grier Gilmore

Mary R. Phleger Assistant



GRAPHIC REPRESENTATION OF "ARTISTIC" WALL SIGN ON NORTHWEST WALL.
SUPERIMPOSED OVER PROGRESS PHOTO OF PROJECT

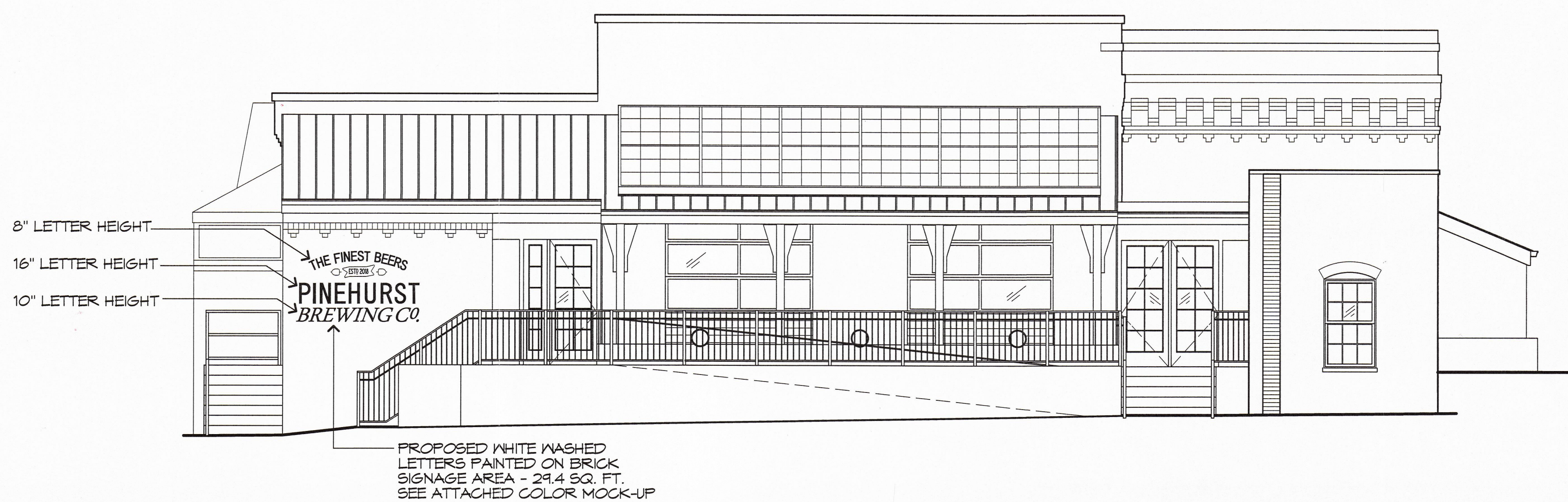
**PINEHURST BREWERY
VARIANCE APPLICATION TO THE
SIGN ORDINANCE SECTION 9.7.1.4(C)**

10 JULY 2018

© 2018 ALL RIGHTS RESERVED. NO PART OF THIS DOCUMENT MAY BE REPRODUCED IN ANY FORM OR BY ANY MEANS, WITHOUT PERMISSION IN WRITING FROM STAGGARD & CHAO ARCHITECTS, P.L.L.C.



1 NEW SOUTH ELEVATION- CALLED FRONT
SN-1 SCALE: 3/16" = 1'-0"



2 NEW WEST ELEVATION (MAGNOLIA RD.)- CALLED LEFT SIDE
SN-1 SCALE: 3/16" = 1'-0"

Staggard & Chao Architects
P.L.L.C.
105 CHEROKEE ROAD
PO BOX 4840
PINEHURST NC 28370
910.295.4800
FAX 910.295.4800

DATE 6.4.11
ALAN STAGGARD ARCHITECT
CERT. NO. 6411

TERESITA CHAO ARCHITECT
CERT. NO. 6344

REVISIONS	DATE
SIGN VARIANCE APP.	2018



ADAPTIVE REUSE OF
HISTORIC PINEHURST STEAM PLANT
PINEHURST BREWERY
1 STEAM PLANT ROAD
PINEHURST, NORTH CAROLINA
LIRK #00025747

PROPOSED EXTERIOR
WALL SIGNS

DATE 10 JULY 2018
SCALE AS NOTED
BY RC & ARP
JOB 2016-03

SN-1



PLANNING AND INSPECTIONS DEPARTMENT STAFF REPORT

To: Board of Adjustment
From: Alex Cameron, Senior Planner
CC: Will Deaton, Planning and Inspections Director
Date: July 19, 2018
Subject: **Variance Request 300 Magnolia Rd.**

Applicant:	John M. May
Owners:	Pinehurst, LLC
Property Location:	300 Magnolia Rd.
Zoning:	VMU (Village Mixed Use) & Local Historic Overlay District
Attached Sign Standards:	Six (6) square feet total sign area & one (1) per street front
Current Land Use:	Pinehurst Brewery (Rehabilitation of old steam plant currently under construction)
PID#	00025797

Request and Background:

This request is to vary the Attached Sign Regulations for wall signs for the Village Mixed Use Zoning District. The current allowable maximum area for wall signs is six (6) square feet. This variance request would be to allow an approximately 29 square foot wall sign along Magnolia Rd. and an approximate 12 square foot wall sign along the future Power Plant Rd. side of the building.

Also, this request is to allow for an additional wall sign from the allowable 1 sign per street frontage to include signage on the reconstructed smokestack.

With this property being located within the Local Historic Overlay District, a Certificate of Appropriateness (COA) will need to be issued by the Pinehurst Historic Preservation Commission or staff. However, an application for a COA cannot be considered if the proposal is not compliant with the PDO.

This property contains the old Pinehurst steam plant built 1895 that is currently under construction to become Pinehurst Brewery, a restaurant and brew pub.

The property is bounded to the north by a vacant lot, the west by single family residences and the undeveloped Village Residential multi-family known as Traditions of Old Town, to the east by the Village of Pinehurst Public Services facilities and the south by utility facilities owned by Moore County and United Telephone Company (CenturyLink).

Variance Process:

THE VARIANCE PROCESS is intended to provide relief from the zoning requirements of the Pinehurst Development Ordinance (PDO) in those cases where strict application of a particular zoning requirement will create a practical difficulty or unnecessary hardship prohibiting the use of land in a manner otherwise allowed under the PDO. It is not intended that variances be granted merely to remove inconveniences or financial burdens that the zoning requirements of the PDO may impose on property owners in general. Rather, it is intended to provide relief where the zoning requirements of the PDO render the land difficult or impossible to use because of some unique physical attribute of the property itself, or some other factor unique to the property for which the variance is requested.

Vicinity Map:



Aerial View



Action by the Zoning Board of Adjustment:

In considering the application, the Zoning Board of Adjustment shall review the application materials, the general purpose and standards set forth in this Section for the granting of variances, and all testimony and evidence received by the Zoning Board of Adjustment at the public hearing;

After conducting the public hearing, the Zoning Board of Adjustment may:

- (1) Have the authority to subpoena witnesses and may request additional information;
- (2) Continue the public hearing on the requested variance;
- (3) Conduct an additional public hearing on the application;
- (4) Grant the requested variance;
- (5) Deny the requested variance;
- (6) Grant the requested variance with conditions. In granting any variance, the Zoning Board of Adjustment may attach appropriate conditions, provided that the conditions are reasonably related to the request.

Any approval or denial of the request shall be by resolution, accompanied by written findings of fact that the variance meets or does not meet each of the standards set forth in Standards of Review below, stating the reasons for such findings;

The Zoning Board of Adjustment shall not grant any variance unless there is a concurring vote of at least 4 of its 5 members;

Standards of Review

The Zoning Board of Adjustment shall not grant a variance unless and until it makes the following findings:

- (a) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;
- (b) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance;
- (c) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship;
- (d) 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.

Staff does not formulate a recommendation of variance request as decisions are to be based solely on the testimony and evidence submitted at the quasi-judicial hearing.