



**BOARD OF ADJUSTMENT  
MAY 2, 2019  
ASSEMBLY HALL  
395 MAGNOLIA RD.  
PINEHURST, NORTH CAROLINA  
5:30 PM**

I. Call to Order

II. Approval of Minutes

A. April 4, 2019 Draft Minutes

III. Public Hearing

A. Public Hearing No. 1

The purpose of the public hearing is to receive testimony for a variance request from section 9.2a Tables of Dimensional Requirements for the property at 100 Dundee Road, further identified by Moore County PID # 00024884. This property is located within the R-10 (High Density Residential) Zoning District. Specifically, the owners Moore County Board of Education, is requesting a variance from the 35' Maximum Building Height to allow for the construction of a new elementary school.

IV. General Business

V. Next Meeting Date

A. June 6, 2019 (if needed)

VI. 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.*



**APRIL 4, 2019 DRAFT MINUTES  
ADDITIONAL AGENDA DETAILS:**

**FROM:**

Alex Cameron, Senior Planner

**CC:**

Gwendy Hutchinson, Planning and Administrative Assistant

**DATE OF MEMO:**

4/23/2019

**MEMO DETAILS:**

Attached are the draft minutes from the Zoning Board of Adjustment regular meeting on April 4, 2019.

**ATTACHMENTS:**

Description

- April 4, 2019 Draft Minutes



**BOARD OF ADJUSTMENT  
APRIL 4, 2019  
ASSEMBLY HALL  
395 MAGNOLIA RD.  
PINEHURST, NORTH CAROLINA  
4:30 PM**

The Board of Adjustment held a Meeting at 4:30 p.m., Thursday, April 4, 2019, in the Assembly Hall, at 395 Magnolia Road, Pinehurst, North Carolina. The following Board members were in attendance:

Julia Latham, Chair  
Leo Santowasso, BOA Member  
David Kelley, BOA Member  
Mike Marsh, BOA Member  
Joel Shriberg, BOA Member

**Staff in Attendance:**

Alex Cameron, Senior Planner  
Gwendy Hutchinson, Planning Administrative Assistant

There were six attendees, including staff.

**I. Call to Order**

*Chair Julia Latham confirmed that a quorum was present and called the meeting to order.*

**II. Approval of Minutes**

October 4, 2018 Draft Minutes

*Upon a motion by Leo Santowasso and seconded by David Kelley, the Board unanimously approved the October 4, 2018 Draft Minutes.*

**III. Public Hearing**

*Upon a motion by Leo Santowasso, seconded by David Kelley, the Board unanimously voted to close the Regular Meeting and enter into the Public Hearing.*

**Sworn in:**

*The following were sworn in:  
Alex Cameron, Senior Planner; Robert and Pamela Babcock, Property Owners.*

The purpose of this public hearing is to receive testimony for a variance request from section 9.2a Tables of Dimensional Requirements for the property at 22 Beasley Drive, further identified by Moore County PID # 00035877. This property is located within the R-10 (High Density Residential) Zoning District. Specifically, the applicant and owners, Robert and Pamela Babcock are requesting a variance from the 30' Lakefront/Golf Course Setback from the Property Line to allow for the construction of an addition that will encroach approximately 3 feet 8 inches into the required setback.

*Chair Latham asked if any of the Board members had any conflicts of interest or have had ex parte communications with the applicant before us. Leo Santowasso stated that he had spoken with the applicants concerning the location of the proposed patio, where the steps will be located and what were the conditions of the area where the patio will be built. Chair Latham asked Leo Santowasso if he felt that this communication would affect his decision for this case. Leo Santowasso replied no, it would not.*

*Chair Julia Latham reminded the Board that the Board's decision must be based on competent material and substantial evidence that comes before the Board.*

*Alex Cameron, Senior Planner, read portions of the staff report into the record. Alex Cameron, Senior Planner, stated that Robert and Pamela Babcock had provided additional materials for the Board to review.*

*Robert and Pamela Babcock, applicants and property owners were present to answer any questions or address any concerns of the Board.*

*Julia Latham, Chair, reminded the Board that the Board's decision is based on "evidence that is competent," if it is sufficiently trustworthy and reliable, that is, legally fit and acceptable for consideration by the Board. Evidence is "material" if it shows that one of the Standards of Review to be applied will or will not be met. Julia Latham, Chair, stated there are (4) four standards the Board has to reach a decision. Evidence is substantial if it is relevant and something a reasonable mind would regard as sufficient to support a specific conclusion. Julia Latham, Chair proposed to the Board that some of the evidence heard should be excluded and some of the evidence should be admitted.*

*Testimony not to be admitted:*

- 1. The Babcock's shared with the Board that their neighbors do not have any objection to the patio. Julia Latham stated that the neighbors are not here to provide testimony and should not be admitted.*
- 2. Medical information does not have any pertinence to the property, just to the applicant and should not be admitted.*

*Testimony that should be admitted:*

- 1. Letter from Dick Higginbotham, CFO Pinehurst Resorts, Inc., as it appears to be trustworthy.*

*Upon a motion by David Kelley to close the Public Hearing and reenter into the regular meeting, seconded by Leo Santowasso, the Board unanimously voted to close the Public Hearing.*

*David Kelley asked Chair Latham if he could ask a question of the applicant. Chair Latham stated that the board would need to re-open the public hearing in order to consider any further facts to help the board makes its decision.*

*Upon a motion by David Kelley to close the Regular Meeting and reopen the Public Hearing to ask a question; seconded by Leo Santowasso, the Board voted unanimously to approve the motion to reopen the Public Hearing.*

*David Kelley confirmed with the property owners that the patio is currently 6' 6" wide and they wish to make it 13' wide. David Kelley asked why they wished to have 13'. Robert Babcock responded that the measurement of 13' came from their designer. Pamela Babcock stated that the 10' would be too small to have a dining table.*

*Alex Cameron, Senior Planner, stated that the Village's ordinance would require a survey to ensure the correct setbacks are met.*

*Upon a motion by David Kelley to close the Public Hearing, seconded by Leo Santowasso, the board voted unanimously to close the Public Hearing and reenter the Regular Meeting.*

*Leo Santowasso made a motion to approve the variance request for the property at 22 Beasley Drive, with the condition that a signed, sealed survey showing the area of encroachment be provided and to adopt the following required findings of fact:*

- 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.*

*Joel Shriberg seconded the motion. Chair Latham polled the Board:*

<i>David Kelley</i>	<i>Yes</i>
<i>Leo Santowasso</i>	<i>Yes</i>
<i>Joel Shriberg</i>	<i>Yes</i>
<i>Mike Marsh</i>	<i>Yes</i>
<i>Julia Latham</i>	<i>Yes</i>

*The Board voted (5-0) to approve the variance with the condition as stated.*

**IV. General Business**

*Alex Cameron, Senior Planner, informed the Board that they would meet on May 2, 2019.*

**V. Next Meeting Date**

May 2, 2019

**VI. Motion to Adjourn**

*Upon a motion by Joel Shriberg and seconded by David Kelley, the board unanimously approved the motion to adjourn. The meeting adjourned at 5:16 pm.*

*A recording and videotape of this meeting are located on the Village website: [www.vopnc.org](http://www.vopnc.org).*

*Respectfully Submitted,*

*Gwendy Hutchinson  
Planning Administrative Assistant  
Village of Pinehurst*

*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.*



## **PUBLIC HEARING NO. 1**

### **ADDITIONAL AGENDA DETAILS:**

The purpose of the public hearing is to receive testimony for a variance request from section 9.2a Tables of Dimensional Requirements for the property at 100 Dundee Road, further identified by Moore County PID # 00024884. This property is located within the R-10 (High Density Residential) Zoning District. Specifically, the owners Moore County Board of Education, is requesting a variance from the 35' Maximum Building Height to allow for the construction of a new elementary school.

#### **ATTACHMENTS:**

##### Description

- ☐ Application
- ☐ Elevations
- ☐ First Floor Plan
- ☐ Second Floor Plan
- ☐ Mechanical Plan
- ☐ Roof Plan
- ☐ Staff Report
- ☐ Written Decision



## 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](http://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 Birath, AIA Owner: Moore County Schools - John Birath

Applicant Address: 5277 hy15-501 S, Carthage, NC Owner Address: 5277 Hy 15-501 S, Carthage, NC

Applicant Phone Number: 910.947.2976 Ext. 100230 Owner Phone Number: 910.947.2976 Ext. 100230

Applicant e-mail: jbirath@ncms.org

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

Request:

I, John Birath, hereby petition the Board of Adjustment of  
the Village of Pinehurst for a variance from Section(s) Section 9.2a of the Pinehurst  
Development Ordinance which states:

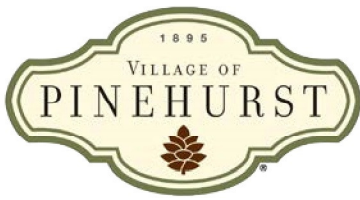
Table of Dimensional Requirements – Maximum Building Height 35’.

Property Description: Elementary School Zoning District: R10

Property Location: (address) 100 Dundee Road, Pinehurst, NC 28374

Moore County Parcel ID #: 0024884





## 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;**

Given the relatively restrictive site compared to more recently constructed public elementary schools in Moore County that accommodate 800 students, it is not possible to provide all the Program requirements and maintain a building height under 35'-0". Moore County Program standards include 51 teaching spaces serving Pre-K through 5th grade, additional teaching spaces for Art, Robotics, Music, Administration, Student Support, Dining, Kitchen, Media Center, Gym, Multipurpose Field, Bus Parking, & Staff Parking. Optimum floor to floor height is 14'-8" when considering structural and building mechanical system needs. Historic District Guidelines do not allow for a flat roof assembly, therefore the sloped roof of the 2-story Classroom Wing of the school reaches a height of 44'-10"

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;**

This site holds a unique position of being located within a well established residential neighborhood in the heart of the Historic District.

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**

This location has served as a public school for the Village of Pinehurst for over 50 years.

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.**

By allowing the Classroom Wing portion of the school to be a 2 story structure, the building can be placed on the site at an appropriate distance from the Dundee Road and Kelly Drive as well as neighboring single family residences.



## 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.

100 Dundee Road  
Pinehurst, NC 28374

**Architect**  
**RATIO Architects, Inc.**  
 227 Fayetteville Street, Suite 301  
 Raleigh, North Carolina 27601  
 919-821-0805

**Mechanical / Electrical Engineer**  
**Dewberry Engineers, Inc.**  
2610 Wycliff Road, Suite 400  
Raleigh, NC 27607  
919-881-9939

**Roofing Consultant**  
**Rick Nuhn Engineering**  
 Thayer Circle  
 Greensboro, NC 27407  
 336-855-1182

**Food Service**  
**FoodDesign Associates, Inc.**  
 5828 Oak Drive  
 Charlotte, NC 28227  
 704-545-6151

SEAL | DATE 04/04/19

[illegible]

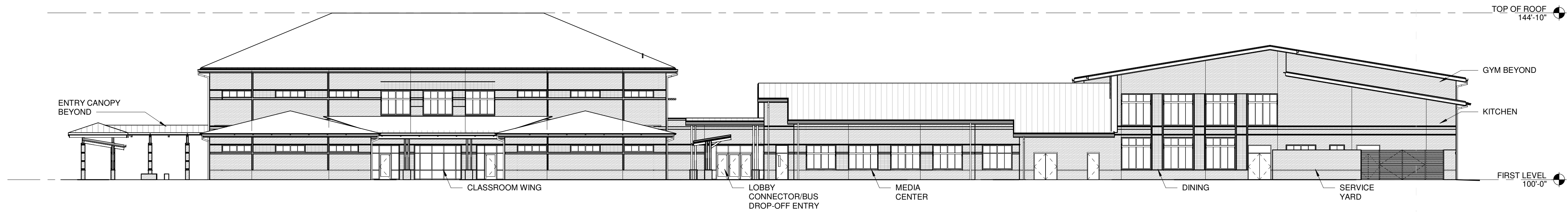
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PROJECT NO. 18031.000

SHEET TITLE  
EXTERIOR  
ELEVATIONS

SHEET NUMBER

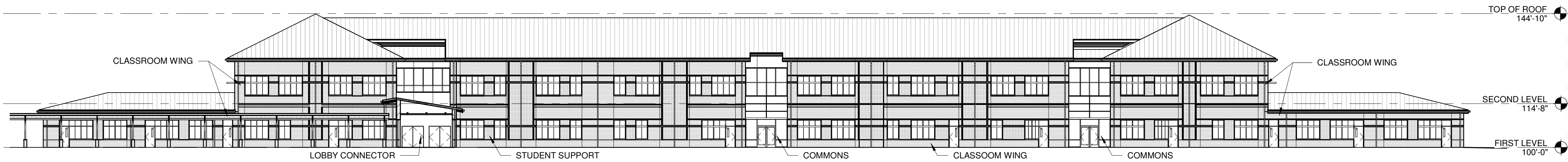
A-210



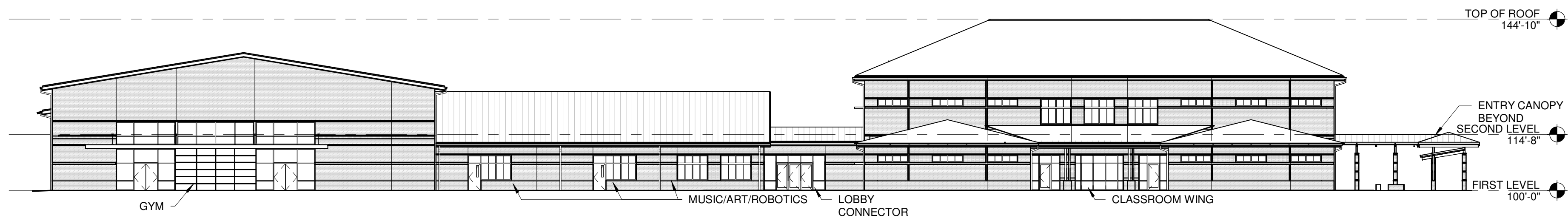




**EXTERIOR ELEVATION - WEST - COMPOSITE**  
 1/16" = 1'-0"



**EXTERIOR ELEVATION - SOUTH - COMPOSITE @**  
**CLASSROOM WING**  
 3/64" = 1'-0"



 **EXTERIOR ELEVATION - EAST - COMPOSITE**  
3/64" = 1'-0"



**EXTERIOR ELEVATION - NORTH - COMPOSITE @**  
**CLASSROOM WING**

**NOT FOR CONSTRUCTION**

4/4/2019 12:03:00 PM

100 Dundee Road  
Pinehurst, NC 28374

**Architect**  
**RATIO Architects, Inc.**  
 227 Fayetteville Street, Suite 301  
 Raleigh, North Carolina 27601  
 919-821-0805

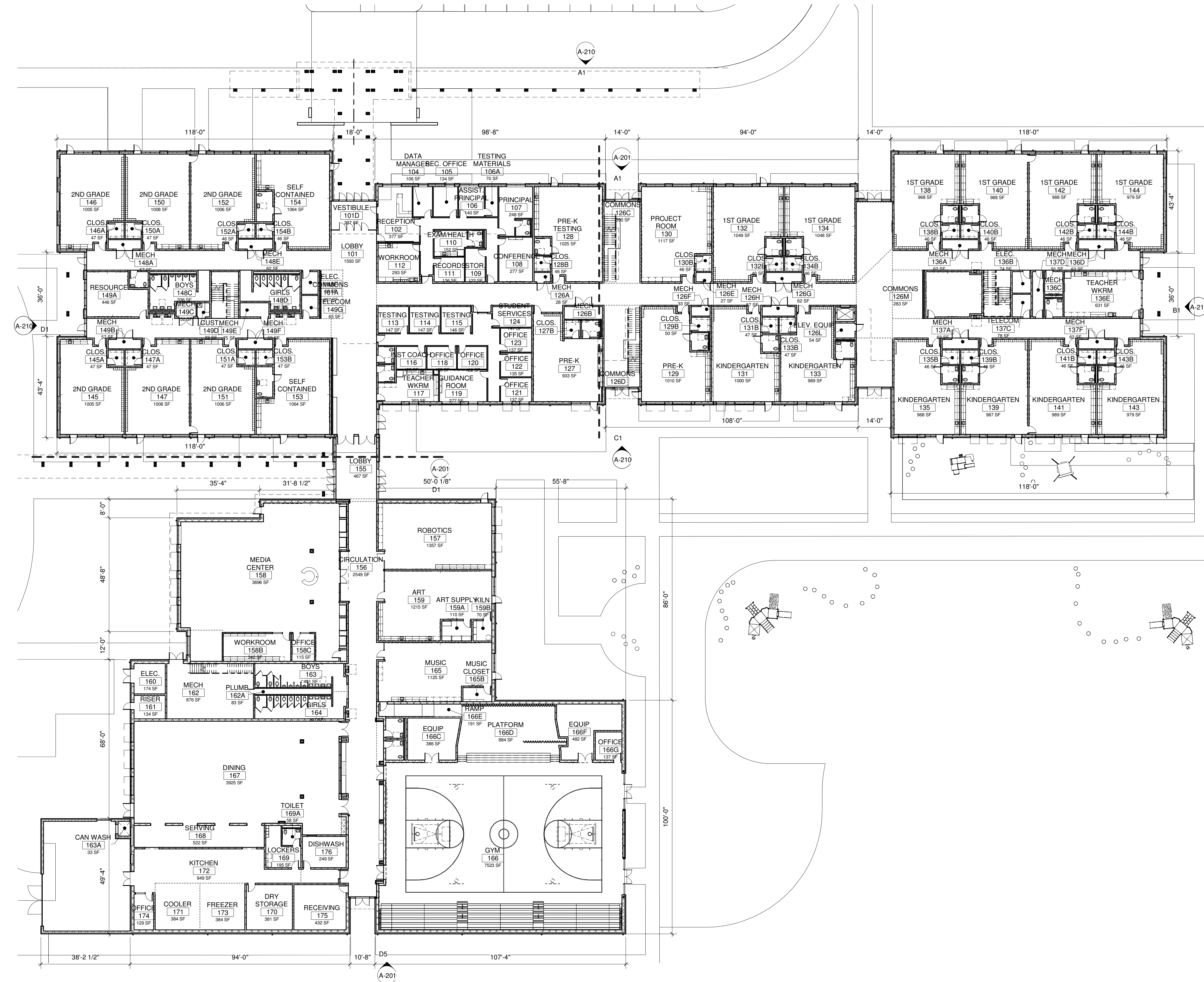
**Mechanical / Electrical Engineer**  
**Dewberry Engineers, Inc.**  
 2610 Wycliff Road, Suite 400  
 Raleigh, NC 27607  
 919-881-9939

**Roofing Consultant**  
**Rick Nuhn Engineering**  
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336-855-1182

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PROJECT NO. 18031.000

# A-110


$$3/64'' = 1'-0''$$

**NOT FOR CONSTRUCTION**

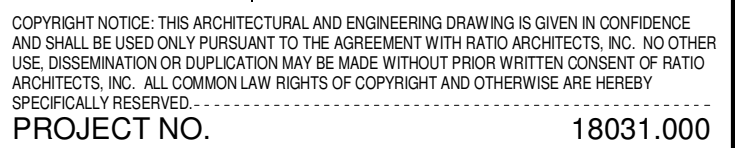


100 Dundee Road  
Pinehurst, NC 28374

**Architect**  
**RATIO Architects, Inc.**  
 227 Fayetteville Street, Suite 301  
 Raleigh, North Carolina 27601  
 919-821-0805

**Mechanical / Electrical Engineer**  
**Dewberry Engineers, Inc.**  
2610 Wycliff Road, Suite 400  
Raleigh, NC 27607  
919-881-9939

**Roofing Consultant**  
**Rick Nuhn Engineering**  
 Thayer Circle  
 Greensboro, NC 27407  
 336-855-1182

[illegible]

**A-111**



4/4/2019 11:55:52 AM

100 Dundee Road  
Pinehurst, NC 28374

Highway 15-501 South  
Carthage, NC 28327  
910-947-2976

**Structural Engineer**  
**LHC Structural Engineers**  
1331 Sunday Dr #121  
Raleigh, NC 27607  
919-832-5587

**Civil Engineer**  
-----  
**CLH Design**  
400 Regency Forest Dr #120  
Cary, NC 27518  
919-319-6716

**Food Service**  
-----  
**FoodDesign Associates, Inc**  
5828 Oak Drive  
Charlotte, NC 28227  
704-545-6151


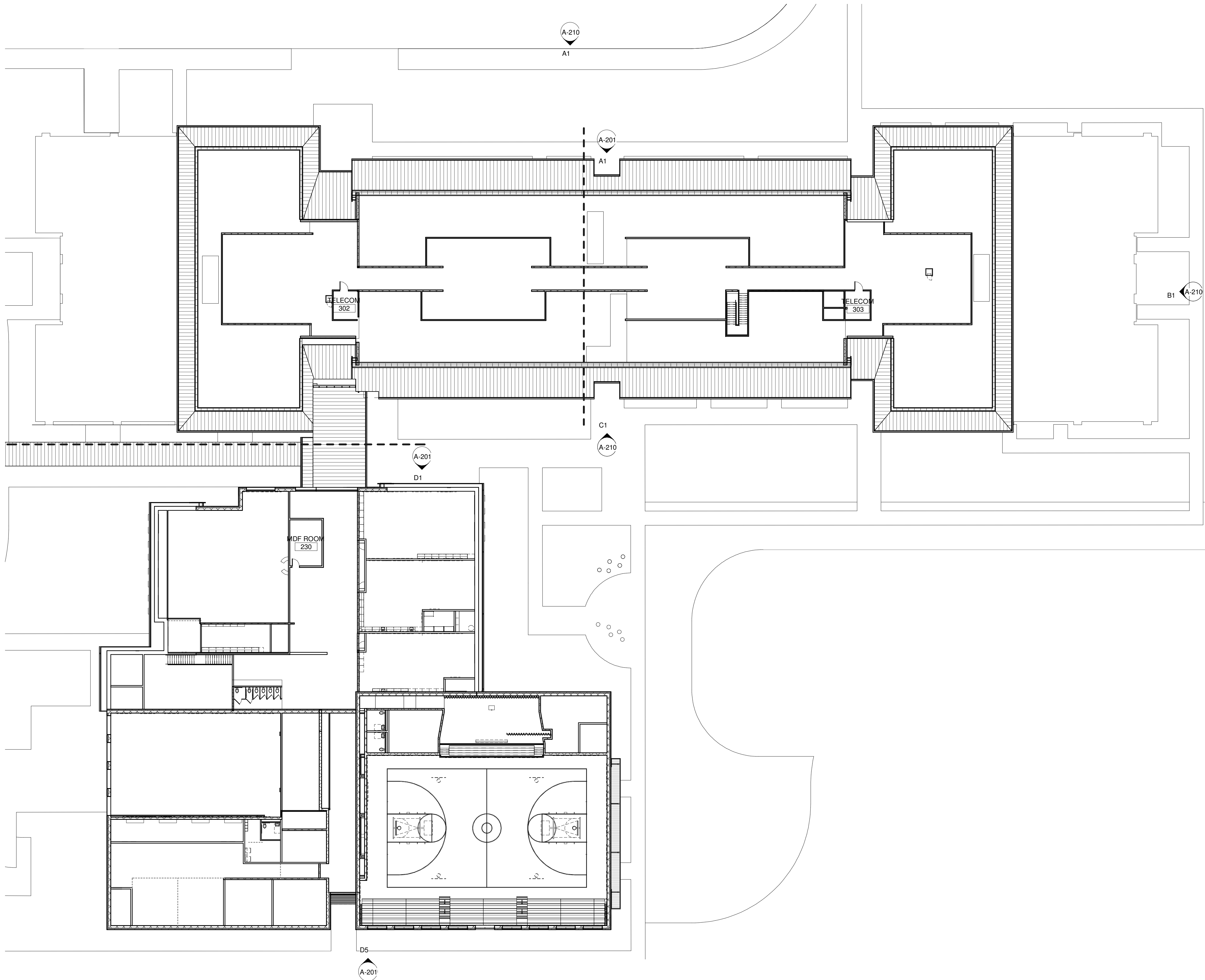
SEAL | DATE 04/04/19

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SHEET TITLE  
MECH PLATFORM -  
COMPOSITE

SHEET NUMBER

# A-112


$$3/64" = 1'-0"$$

**NOT FOR CONSTRUCTION**

4/4/2019 11:55:54 AM

PINEHURST  
ELEMENTARY  
SCHOOL

100 Dundee Road  
Pinehurst, NC 28374

Owner \_\_\_\_\_

**Moore County Schools**  
Highway 15-501 South  
Carthage, NC 28327  
910-947-2976

Architect \_\_\_\_\_

**RATIO Architects, Inc.**  
227 Fayetteville Street, Suite 301  
Raleigh, North Carolina 27601  
919-821-0805

**Structural Engineer**

**LHC Structural Engineers**  
1331 Sunday Dr #121  
Raleigh, NC 27607  
919-832-5587

Mechanical / Electrical Engineer

**Dewberry Engineers, Inc.**  
2610 Wycliff Road, Suite 400  
Raleigh, NC 27607  
919-881-9939

Civil Engineer

**CLH Design**  
400 Regency Forest Dr #120  
Cary, NC 27518  
919-319-6716

Roofing Consultant

**Rick Nuhn Engineering**

Thayer Circle  
Greensboro, NC 27407  
336-855-1182

FoodDesign Associates, Inc.

5828 Oak Drive  
Charlotte, NC 28227  
704-545-6151

SEAL | DATE 04/04/19

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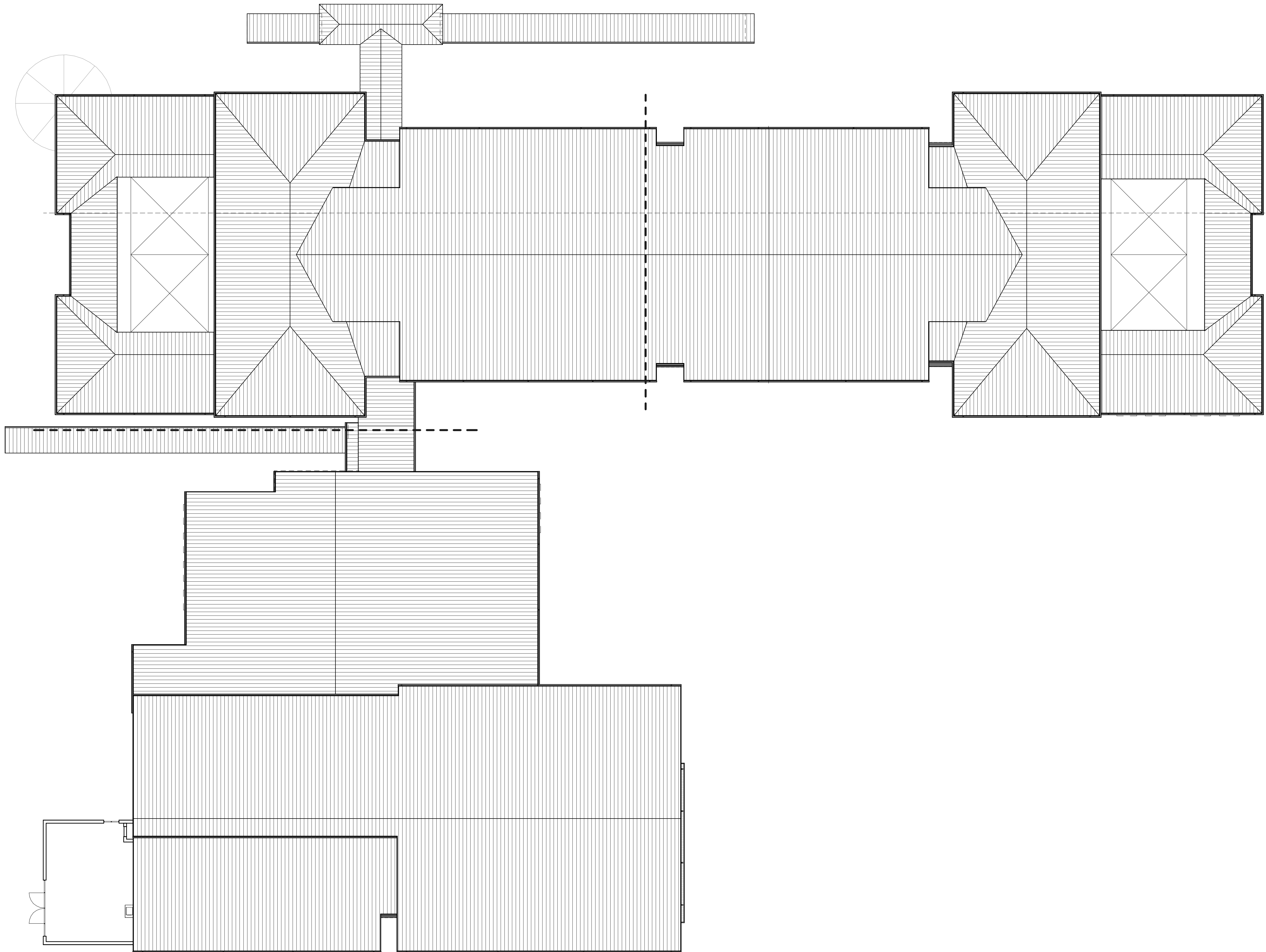
PROJECT NO.	18031.000
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SHEET TITLE  
ROOF PLAN -  
COMPOSITE

SHEET NUMBER

A-113

**NOT FOR CONSTRUCTION**



A1  
A-113

## ROOF PLAN

$$3/64" = 1'-0"$$

4/4/2019 11:55:55 AM



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## PLANNING AND INSPECTIONS DEPARTMENT STAFF REPORT

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**To:** Zoning Board of Adjustment  
**From:** Alex Cameron, Senior Planner  
**CC:** Natalie Hawkins, Assistant Village Manager for Administration  
**Date:** April 25, 2019  
**Subject:** Variance Request for Pinehurst Elementary School 100 Dundee Rd.

<b>Applicant:</b>	Moore County Schools
<b>Owners:</b>	Moore County Board of Education
<b>Property Location:</b>	100 Dundee Rd.
<b>Zoning:</b>	R-10 (High Density Residential)
<b>Maximum Building Height:</b>	35'
<b>Current Land Use:</b>	Elementary School
<b>PID#</b>	00024884

### **Request and Background:**

This request is to vary the maximum allowed building height in the R-10 Zoning District of 35 feet to approximately 44' 10".

This property is currently the site of Pinehurst Elementary School and is approximately 12.65 acres in size. The site currently includes buildings for classrooms, a cafeteria, gymnasium, modular units, playground area and parking. Schools are an allowable use in the R-10 district per section 8.5 of the Pinehurst Development Ordinance (PDO). The property is also located within the Local Historic Preservation Overlay District. The property is surrounded by single family residences zoned R-10 (High Density Residential) except along the southwest area across Kelly Rd. where the subject property is next to the site of Community Presbyterian Church which is also zoned R-10. See map on next page.

Moore County Schools wish to build a new elementary school and facilities on the site. The proposed new construction does not currently comply with the maximum height limit in section 9.2a Table of Dimensional Requirements of 35 feet in the R-10 district. In order for the proposed new construction to move forward with other approvals required by the PDO, a variance will be needed or the proposed new construction must meet the current height requirements. Other approvals required include a

---



Certificate of Appropriateness (COA) for the new construction by the Historic Preservation Commission (HPC) as well as a Major Site Plan approval by Village Council after a recommendation by the Planning and Zoning Board. The owner has already received a COA for the demolition of the existing structures on the site by the HPC and the Technical Review Committee (TRC) is currently reviewing the General Concept Plan for general compliance with a before the Planning and Zoning Board can review for recommendation on a Major Site Plan approval to Village Council.

The applicant has submitted an application, floor plans, roof plans, mechanical plans and exterior elevations for review by the Zoning Board of Adjustment.



Zoning Map

### **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.

### **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.

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.

## **Standards of Review**

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

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



HISTORY, CHARM, AND SOUTHERN HOSPITALITY

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**DECISION LETTER OF THE BOARD OF ADJUSTMENT  
OF THE VILLAGE OF PINEHURST, NORTH CAROLINA**

**VARIANCE FOR 100 Dundee Road**

**May 2, 2019**

**Mr. John Birath, Executive Officer for Operations  
Moore County Schools  
5277 Hwy. 15-501 South  
PO Box 1180  
Carthage, NC 28327**

**RE: Variance request from section 9.2a Tables of Dimensional Requirements for the property at 100 Dundee Road, further identified by Moore County PID # 00024884. This property is located within the R-10 (High Density Residential) Zoning District. Specifically, the applicant, Moore County Schools are requesting a variance from the 35' maximum building height to allow for the new construction of Pinehurst Elementary School.**

Dear Mr. Birath,

This letters serves as the written decision of the Board of Adjustment for the Village of Pinehurst for the variance request referenced above. This memorandum is to inform you that the Board of Adjustment met on **May 2, 2019** and voted to **approve/deny** the variance request for property at **100 Dundee Rd.** with the following required findings of fact:

- (A) Unnecessary hardship would **result/not 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/does not result** 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/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;



HISTORY, CHARM, AND SOUTHERN HOSPITALITY\_\_\_\_\_

(D) The requested variance **is/is not** consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

Conditions (If imposed by the Board):

More detailed evidence of the variance standards will be available once the minutes from the meeting are approved at the next Board of Adjustment meeting.

\*Any person aggrieved by the decision of the Board of Adjustment may appeal to Superior Court; the appeal should be filed with the Court within 30 days after the Board's decision is filed in the office of the Planning and Inspections Department. You may contact the Planning Department to request a copy of the filed decision. If appealed, Superior Court shall review the record and shall have the power to affirm or reverse the Board's decision or remand the case back to the Board of Adjustment for further review and/or findings.\*

This is the \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
**Chair of the Board of Adjustment**

**Ruling filed with the Village of Pinehurst:**

\_\_\_\_\_  
**DATE**

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**Gwendy Hutchinson**  
**Clerk to the Zoning Board of Adjustment**

Cc: Alex Cameron  
Gwendy Hutchinson