



**BOARD OF ADJUSTMENT
JULY 11, 2019
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
5:00 PM**

I. Call to Order

II. Approval of Minutes

A. June 6, 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 65 Cherokee Road, further identified by Moore County PID # 00014110. This property is located within the R-10 (High Density Residential) Zoning District and within the Historic Preservation Overlay District. Specifically, the applicant and owners, Michael and Moriah Brown are requesting a variance for 4 feet from the front setback and 2 foot 6 inch variance from one side setback from the Property Line.

B. Public Hearing No. 2

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 5 York Place, further identified by Moore County PID # 00017008. This property is located within the R-10 (High Density Residential) Zoning District. Specifically, the applicant and owners, Don and Betty Zeilstra are requesting a 5 foot variance on the 25' rear yard setback.

IV. General Business

A. Review and Consider New Rules of Procedure.

V. Next Meeting Date

B. August 1, 2019 (If the Board has business to conduct)

VI. Comments from Attendees

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.



**JUNE 6, 2019 DRAFT MINUTES
ADDITIONAL AGENDA DETAILS:**

FROM:

Alex Cameron, Senior Planner

CC:

Beth Dunn & Kelly Brown

DATE OF MEMO:

7/3/2019

MEMO DETAILS:

Attached for review and consideration of the Board are draft minutes from the June 6, 2019 meeting.

ATTACHMENTS:

Description

▣ June 6, 2019 Draft Minutes



**BOARD OF ADJUSTMENT
JUNE 6, 2019
ASSEMBLY HALL
395 MAGNOLIA RD.
PINEHURST, NORTH CAROLINA
5:30 PM**

The Board of Adjustment held a Meeting at 5:30 p.m., Thursday, June 6, 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
Joel Shriberg, BOA Member
Mike Marsh, BOA Member

BOA Member Absent:

Jeramy Hooper, BOA Alternate

Staff in Attendance:

Alex Cameron, Senior Planner
Darryn Burich, Planning and Inspections Director
Beth Dunn, Village Clerk

There were 16 attendees, including 3 staff and 1 press.

1. Call to Order

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

2. Approval of Minutes

May 2, 2019 Draft Minutes

Upon a motion by Mike Marsh and seconded by Joel Shriberg, the Board unanimously approved the May 2, 2019 Draft Minutes by a vote of 5-0.

3. Motion to Enter a Public Hearing

Upon a motion by Leo Stanowasso, and seconded by Mike Marsh, the Board unanimously voted to recess the regular meeting and to enter into a public hearing by a vote of 5-0.

4. Public Hearing #1

The following were sworn in: Alex Cameron, Senior Planner, Lynn Anderson, Anderson Architecture, and Richard Reithaler, owner.

Julia Latham, Chair, asked if any of the Board members concerns about their ability to participate in discussion of this hearing, Julia also asked if any member had any ex parte

communication with the applicant. The Board unanimously stated that they were able to participate.

Ms. Latham informed the applicants and those in the audience that all testimony should be factual and pertinent to this application. Opinions will be discarded unless you are a professional. Ms. Latham stated that a letter submitted by the applicant from Pinehurst Resort will be entered into the record as evidence. Ms. Latham also explained there was an email submitted by Mr. John Reeves, Chairman of Fairwoods Architectural Review Board, which would not be entered into evidence, as Mr. Reeves was not present to authenticate the email.

Alex Cameron, Senior Planner, stated 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 5 Firestone Drive, further identified by Moore County PID # 00025019. This property is located within the R-30 (Medium Density Residential) Zoning District. Specifically, the owners Mary and Richard Reithaler, are requesting a variance from the 60' Lakefront/Golf Course Setback to allow for the construction of an addition that will encroach approximately 12' into the required setback.

Alex Cameron, Senior Planner, read portions of the staff report into the record. Alex Cameron, Senior Planner, and confirmed that adjacent property owners were notified and the property was properly posted.

Lynn Anderson, with Anderson Architecture, explained the owners want to extend their family room space. Ms. Anderson explained the property configuration presented them with a real challenge, in having an inverted property line. Ms. Anderson stated the owners want to keep the extension conservative and not encumber the neighbors view the golf course. Ms. Anderson provided the Board with photos of the current property. Joel Shriberg, Board Member, stated it seems that only the corner of the addition requires the variance. David Kelly, Board Member, asked why a 12 foot connector was needed, which is why they need the variance. Ms. Anderson stated they would like to save the current patio area, which is a very nice feature of the house. Mr. Shriberg stated that out of the 200 plus lots in No. 7 only 2 have this particular shape.

5. Motion to Close Public Hearing and Re-enter Regular Meeting

Upon a motion by David Kelly seconded by Leo Santowasso, the Board approved to close the public hearing and reenter the regular meeting by a vote by 5-0.

6. Discuss and Consider a Variance for the 60' Lakefront/Golf Course Setback

Upon a motion by David Kelly to approve the variance request for the property at 5 Firestone Drive, requesting a variance from the 60' Lakefront/Golf Course Setback enter the following into the record:

- 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.

Leo Stanowasso seconded the motion, and the Board unanimously approved the request for a variance at 5 Firestone Drive with no conditions by a vote of 5-0.

Roll call vote:

Mr. Santowasso	Yes
Mr. Kelly	Yes
Mr. Shriberg	Yes
Mr. Marsh	Yes
Ms. Latham	Yes

7. Motion to Enter a Public Hearing

Upon a motion by David Kelly, and seconded by Mike Marsh, the Board unanimously voted to recess the regular meeting and to enter into a public hearing by a vote of 5-0.

8. Public Hearing #2

The following were sworn in: Alex Cameron, Senior Planner; John Birath, Moore County Schools, Renee Pfeifer, CLH Design.

Julia Latham, Chair, asked if any of the Board members concerns about their ability to participate in discussion of this hearing, Julia also asked if any member had any ex parte communication with the applicant. The Board unanimously stated that they were able to participate. David Kelly, Board Member, stated they have been presented with a lot of information already, which is unusual for cases heard. Ms. Latham informed the applicants and those in the audience that all testimony should be factual and pertinent to this application. Opinions will be discarded unless you are a professional.

Alex Cameron, Senior Planner explained the purpose of this public hearing is to receive testimony for a variance request from Section 9.2 (a) Table of Dimensional Requirements for Pinehurst Elementary School at 100 Dundee Road. This property is located within the R-10 (Single Family) Zoning District, further identified by Moore County Tax Reference as Property Identification Number 00024884. Specifically, the property owner, Moore County Schools and applicant John Birath, AIA, are requesting a variance to increase maximum lot coverage from 40% to 45% impervious coverage.

Mr. Cameron read portions of the staff report into the record, confirmed that adjacent property owners were notified and the property was properly posted. Mr. Cameron also explained that this case has been thru various boards and commissions already to obtain various approvals. The latest approval was for a certificate of appropriateness, issued by the Historic Preservation Commission, for the building elevations.

Renee Pfeifer, CLH Design, stated they are requesting a variance to increase maximum lot coverage from 40% to 45% impervious coverage. Ms. Pfeifer reviewed the site plan with the Board. David Kelly, Board Member, stated that knowing what the site is like now with traffic, moving traffic on to the roads is not an option. Joel Shriberg, Board Member, asked what the extra 18 parking spaces, extra per the PDO, would equate to in regards to impervious surface. John Birath, Moore County Schools, stated that they have various staff that comes in during the day for various programs which the Village PDO doesn't calculate parking for. Leo Santowasso, Board Member, asked if other organizations would be using the school after hours. Mr. Birath stated that is correct, the school is open for public use. Mr. Kelly asked if the infiltration capacity calculations had been confirmed. Mr. Cameron stated those calculations have been submitted and are under review by the Village Engineer. Julia Latham, Chair, asked if they looked at any other materials to help with the impervious surface calculations, such as impermeable pavers. Ms. Pfeifer stated they did look at those at the beginning of the project but they wouldn't have helped with the run off as well, so they went with the infiltration system.

9. Motion to Close the Public Hearing and Reenter the Regular Meeting

Upon a motion by Joel Shriberg seconded by Mike Marsh, the Board approved to close the public hearing and reenter the regular meeting by a vote by 5-0.

10. Discuss and Consider Variance to Increase Impervious Surface

Upon a motion by David Kelly to approve the variance request for the property at 100 Dundee Road to increase maximum lot coverage from 40% to 45% impervious coverage to enter the following into the record:

- 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.

Leo Santowasso seconded the motion, and the Board unanimously approved the request for a variance at 100 Dundee Road with no conditions by a vote of 5-0.

Roll call vote:

Ms. Latham	Yes
Mr. Marsh	Yes

Mr. Shriberg	Yes
Mr. Kelley	Yes
Mr. Santowasso	Yes

11. General Business

Julia Latham, Chair, stated this was Mike Marsh's last meeting, as his term was ending, and thanked him for his service. Ms. Latham also welcomed Cyndie Burnette, who will be coming onto the Board next month as a regular member.

12. Next Meeting Date

July 11, 2019

13. Motion to Adjourn

Upon a motion by David Kelly and seconded by Leo Santowasso, the board unanimously approved to adjourn the regular meeting at 6:37 pm by a vote of 5-0.

Respectfully Submitted,

Beth Dunn
Village Clerk
Village of Pinehurst

A recording and videotape of this meeting are located on the Village website: www.vopnc.org.

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 65 Cherokee Road, further identified by Moore County PID # 00014110. This property is located within the R-10 (High Density Residential) Zoning District and within the Historic Preservation Overlay District. Specifically, the applicant and owners, Michael and Moriah Brown are requesting a variance for 4 feet from the front setback and 2 foot 6 inch variance from one side setback from the Property Line.

FROM:

Alex Cameron, Senior Planner

CC:

Darryn Burich & Kelly Brown

DATE OF MEMO:

7/3/2019

MEMO DETAILS:

Please see the attached documents related to this public hearing.

ATTACHMENTS:

Description

- ☐ Application
- ☐ Supplemental Material
- ☐ Existing Survey
- ☐ Surveyed Site Plan with Additions
- ☐ Photo
- ☐ Staff Report
- ☐ Written Decision



Variance Information

The variance process administered by the Zoning Board of Adjustment 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 an unnecessary hardship prohibiting the use of land in a manner otherwise allowed. It is not intended that variances be granted merely to remove inconveniences or financial burdens that zoning requirements may impose on property owners in general. Rather, it is intended to provide relief where the zoning requirements 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. Please refer to Section 5.1 of the PDO for the requirements of a variance.

When unnecessary hardships would result from carrying out the strict letter of this ordinance, the Board of Adjustment shall vary any of the provisions of this ordinance upon a showing of all of the following:

- (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.

An application for a variance may be filed only by the owner of the land affected by the variance; an agent or contract purchaser specifically authorized by the owner to file such application; or any unit of government which is not the owner of the lot but proposes to acquire the lot by purchase, gift, or condemnation. Where an agent, or contract purchaser files the application, the agent, or contract purchaser shall provide the Village with written documentation that the owner of the property has authorized the filing of the application.

This application must be completed in full and submitted with the associated fee listed in the Village's Fees and Charges Schedule, which can be accessed at www.vopnc.org.

Property Address	
Street Address	65 Cherokee Road
City, State, Zip Code	Pinehurst, NC 28374
Parcel ID #	00014110





Variance
(Revised 04/01/19)

Owner Information			
Name	Michael Brown	Home Phone #	910-295-5400
Street Address	1524 Brookgreen Drive	Mobile Phone #	
City, State, Zip Code	Myrtle Beach, SC 29577	Business Phone #	
Email	moriah.brown@gmail.com		

Applicant			
Name	Pinehurst Homes, Inc	Other Phone #	910-295-5400
Email	admin@pinehursthomesinc.com	Street Address	PO Box 3190
Mobile Phone #	910-295-5400	City, State, Zip Code	Pinehurst, NC 28374

General Information

Legal Basis for Application	<input type="checkbox"/> Agent or Contract Purchaser Authorized by the Property Owner <input type="checkbox"/> Government Agency Proposing to Acquire Land Affected by the Variance <input checked="" type="checkbox"/> Owner of the Land Affected by the Variance
General Description of Variance Request	Encroach into the Front Setback 4 ft. and encroach into the Side Setback 2 ft. 6in. Continued Page 2
Ordinance Section Reference	9.2, 9.2a
Ordinance Text (Verbatim)	All uses and structures in the general use zoning districts shall comply with the dimensional requirements listed in Table 9.2a, except as may be provided by this Ordinance. Minimum lot listed in the Table are subject to modifications based on open space requirements, subdivision requirements, or alternate design provisions with in this Ordinance. Table 9.2a

Continued General Description of Variance Request:

FRONT ELEVATION/FRONT ENTRY: The Front Elevation is currently 3.9 ft. outside the existing Set Back. Half of the existing Front Porch and (+/-) 4 ft. of the existing house is outside the current Set Back. This was constructed by a Previous Owner prior to VOP Incorporation. We propose to construct a new Front Entry (26 ft. 7 in. x 4 ft.). This will provide an entry foyer and more importantly return the home back to the Historical Look it was intended to be. There is currently NOT a visible Entry with the Front Door to the left of the porch. This is not Architecturally nor Historically correct. Resurrection to Historical Character and Architecture will allow us to recreate the Front Entry and reinstate the value of the "Honeysuckle Cottage". The Home is currently 1520 SF which does NOT meet the Square Footage Requirement for R-10 Zoning of 1800 SF. The addition to the Front Entry, Side Entry, and Master Closet will Total 1800 SF Heated Area. Impervious Surface Requirements are NOT an issue.

RIGHT ELEVATION SIDE ENTRY: The side entry is currently within the setbacks. The steps are 2ft. over the setback which is allowed under the PDO. The existing side entry was constructed by a Previous Owner prior to VOP Incorporation. We propose to construct a new Side Entry (11 ft. 6 in. x 7 ft.) with the steps facing the Rear of the Property. The new addition will encroach 2ft. 6in. outside the existing Set Back. The purpose for the addition is to provide a Utility Room which is urgently needed. The existing W/D is a stack unit in the Kitchen Pantry Closet. The Scope of the Project involves total renovation including the Kitchen. This area is needed for the Kitchen.



Variance
(Revised 04/01/19)

Description of unnecessary hardship that would result from the strict application of the ordinance	Without the approval of this Variance Pinehurst Homes Inc and the client would always feel that something was missing from this Historical Home. Sieze the Oppurtunity.
Description of how the hardship results from conditions that are peculiar to the property, such as location, size, or topography	Current setback infringement was constructed prior to the Incorporation of Village Of Pinehurst.
Description of how the hardship did not result from actions taken by the applicant or the property owner	All existing structures were constructed prior to ownership by the current property owner.
Explanation of how 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	Pinehurst Homes Inc. emphasizes " Historical Value " and is a preferred NC Historical Contractor in Moore County inclusive. Resuration of " The Honeysuckle 1895 " in the spirit of the Village Of Pinehurst. All work will be in compliance to all Safety and Building Code Regulations.

Required Documents

☒ Written authorization of the property owner (If not filed by owner)

Certification

I hereby certify that the information contained in this application is accurate and complete. I also confirm that I have read and understand the criteria that must be met in order to receive approval for a variance.

Applicant Signature: Amber Michael Date: 6/28/17

Village Of Pinehurst

Historic District

395 Magnolia Rd.

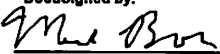
Pinehurst, NC 28374

To whom it may concern:

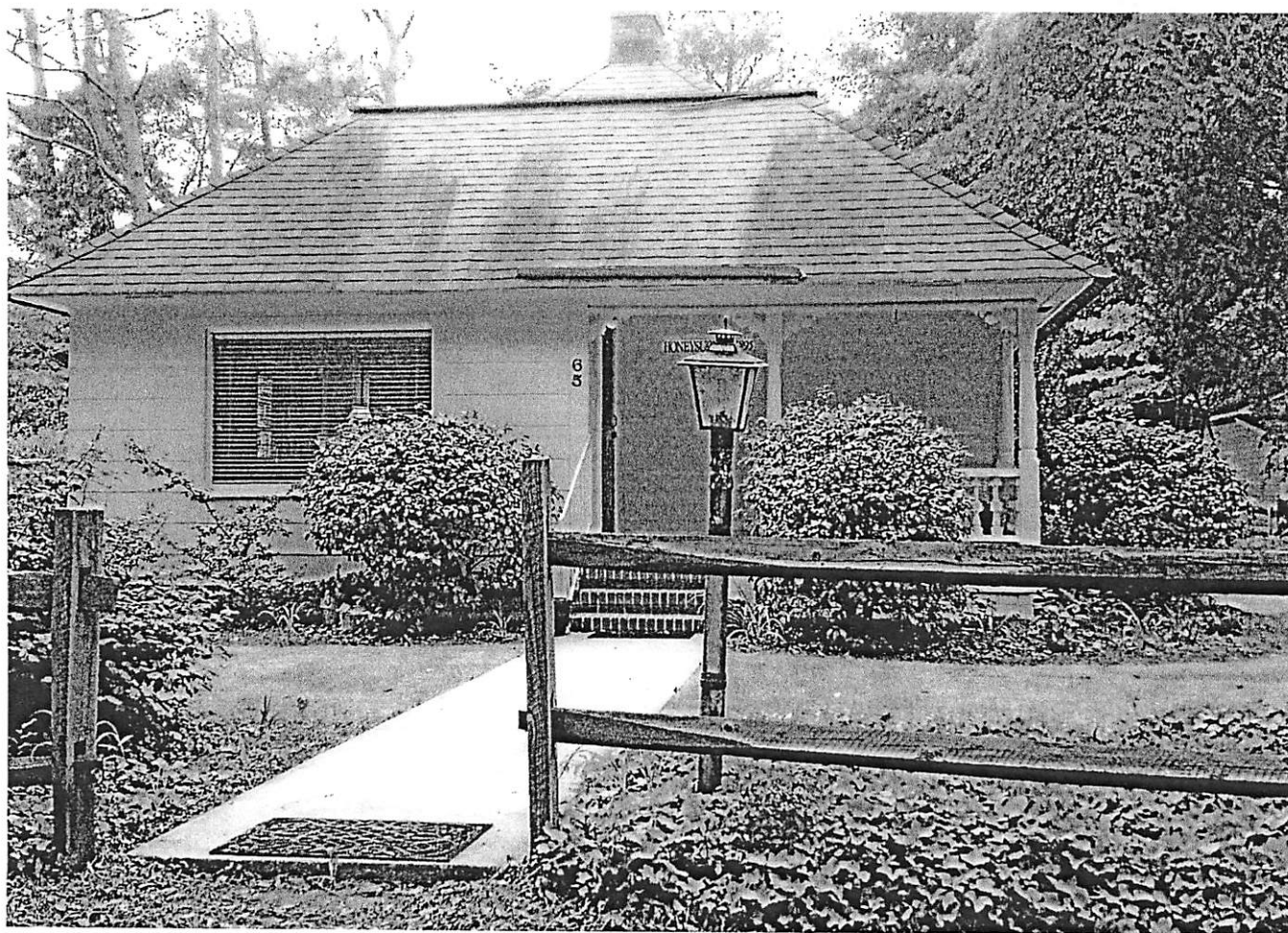
This letter is to authorize Pinehurst Homes, Inc. to act on behalf before the Village of Pinehurst, Historic District.

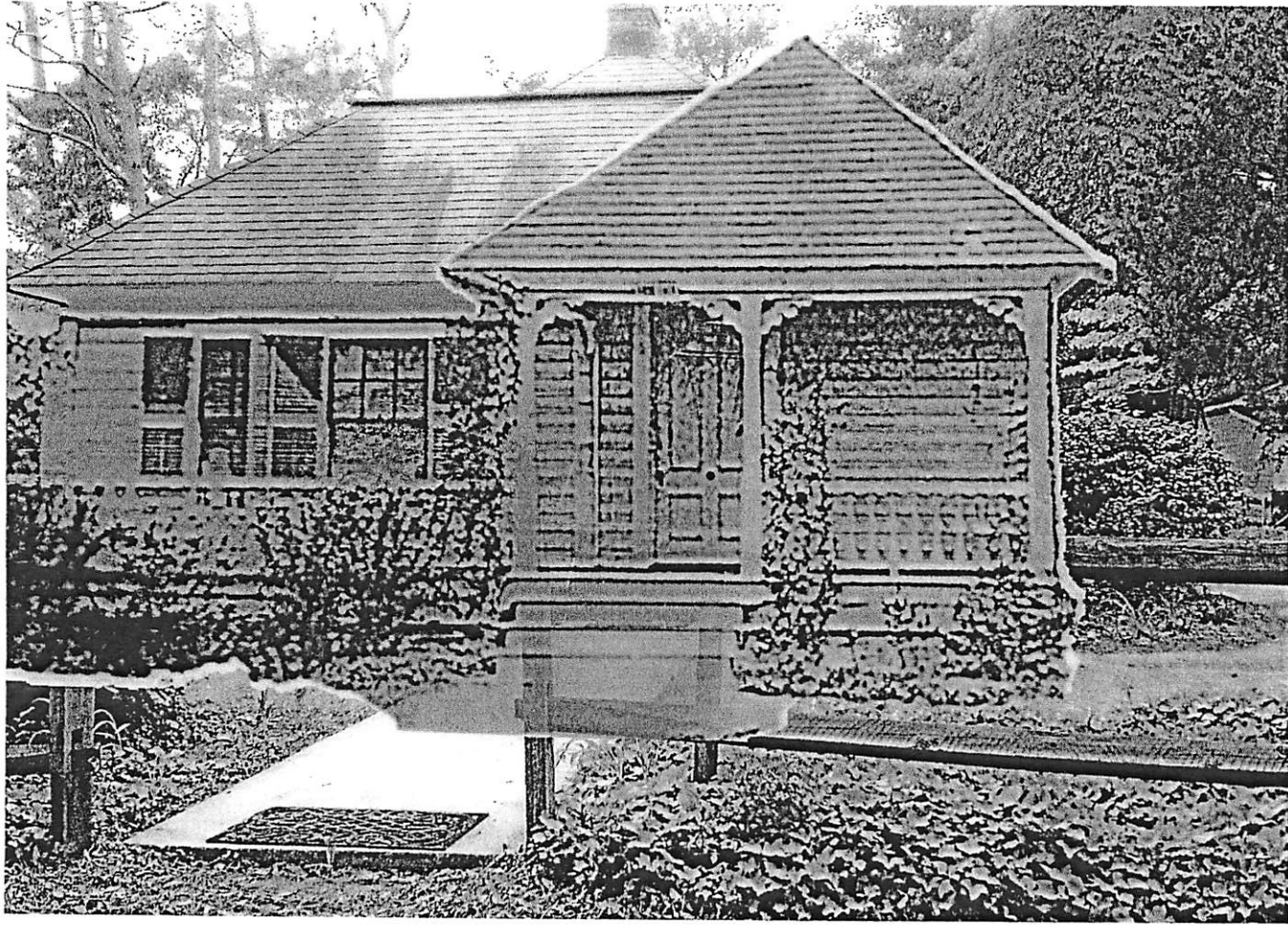
Signed by:

Moriah Brown

DocuSigned by:

6/11/2019
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USE TYPES	PC	RD	R-210	R-30	R-20	R-15	R-10	R-8	R-5	R-MF	NC	H	HD	VCP	OP	VR	VMU	VC				
Minimum Lot Size (3)	-	5 ac	5 ac	30,000 sf	20,000 sf	15,000 sf	10,000 sf	8,000 sf	5,000 sf	5,500 sf	10,000 sf	1 ac	15 ac	8,000 sf (2)	20,000 sf	5,500 sf	20,000 sf	5000 sf				
Minimum Lot Width at Setback Line (3)	-		100'	100'	80'(4)	75' (4)	75' (4)	60' (4)	40' (4)	50'(1)	-	-	400'		100'	-		-				
Minimum Lot Width at Street Line	50'	200'	60'	20'	20'	20'	20'	20'	20'	36' (1)	75'	100'	100'	25'	75'	25'	25'	25'				
Minimum Front Yard Setback(3)	40'	100'	100'	40'	40'	30'	30'	20'	20'	30' (1)	25'	40'	75'	20'	25'	10'	0' min - 10' max	0'min - 10' max				
Minimum Side Yard Setback (3)	25'	50'	40'	20'	15' (4)	15' (4)	15' (4)	10' (4)	10' (4)	0' (1) & (5)	10'	20'	50'	0'(6)	15'	0'(6)	0' (6)	0'(6)				
Side Street Setback(3)	25'	50'	50'	20'	20'	20'	20'	15'	15'	20' (1)	15'	20'	75'	10'	20'	10'	0' min - 10' max	10' min - 10'max				
Minimum Rear Yard Setback (3)	25'	50'	50'	30'	30'	30'	25'	20'	20'	25' (1)	20'	30'	75'	20'	20'	20'	5'	5'				
Lakefront/Golf Course Setback from the Property Line	60'	-	60'	60'	30'	30'	30'	30'	30'	30'/60'	30'	30'	30'	30'	30'	30'	30'	30'				
Maximum Building Height	35'	50'	35'	35'	35'	35'	35'	35'	35'	35'	35'	35'	50'	75'	35'	35'	35'	50'	50'			
Maximum Lot Covered by Impervious Surface (3), (7) and (8)	12%	24%	24%	30%	35%	37.5%	40%	42.5% (8)	45%	60%	70%	70%	70%	70%	70%	70%	70%	70%	90%			



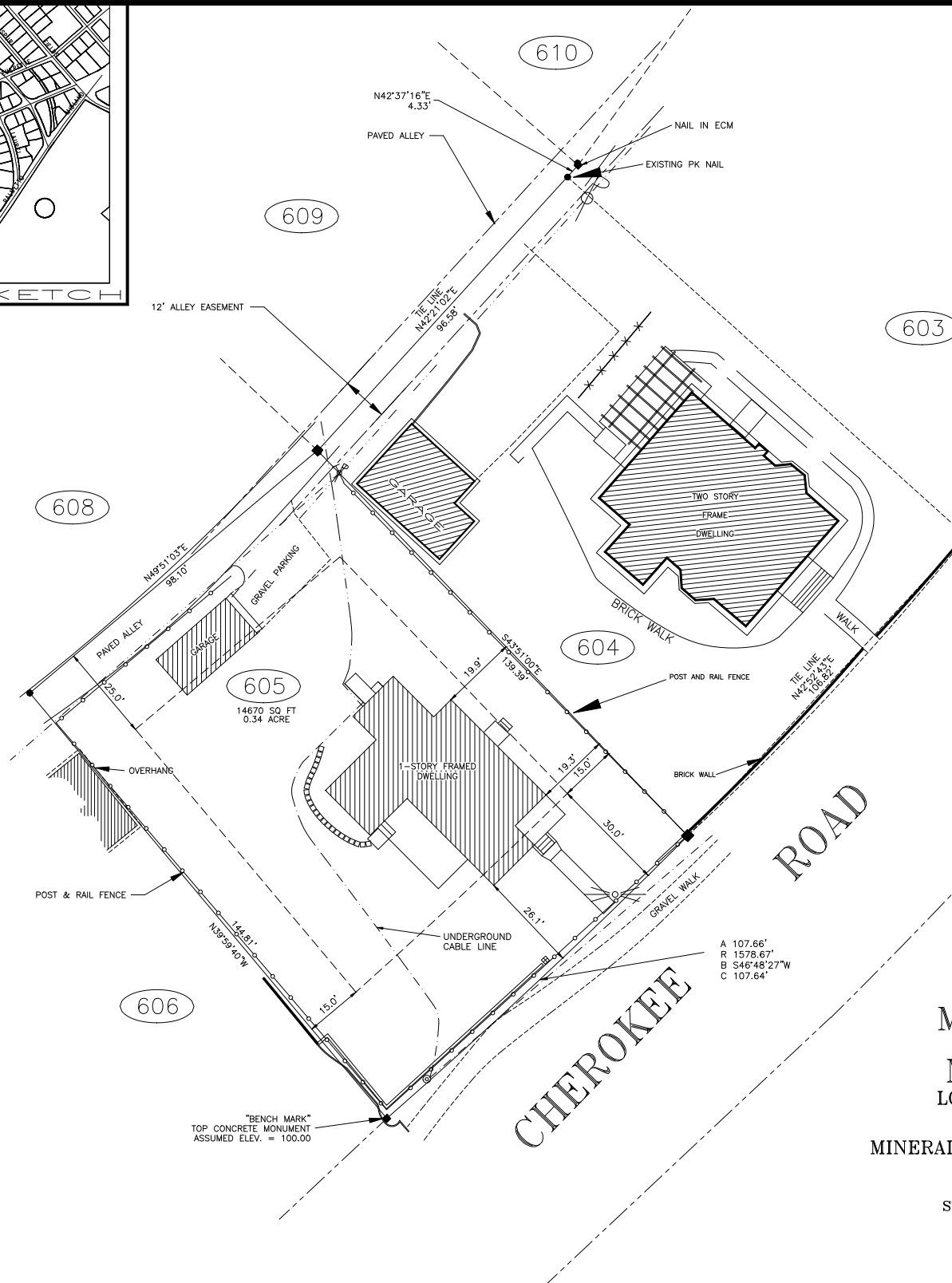




LOCATION SKETCH



RECORD MAP



I certify that this map was drawn under my supervision from an actual survey made under my supervision; that the boundaries not surveyed are indicated as drawn from information shown hereon; that the ratio of precision or positional accuracy is 1/10,000+; and that this map meets the requirements of The Standards of Practice for Land Surveying in North Carolina (21 NCAC 56. 1600).
Further:
I hereby certify that the premises shown & described hereon, do not lie in a F.E.M.A. designated 100 year flood plain area.

THIS DOCUMENT ORIGINALLY ISSUED AND SEALED BY
S. R. SHEFFIELD, PLS NO. 1365, ON MAY 14, 2019
THIS MEDIA SHOULD NOT BE CONSIDERED A CERTIFIED DOCUMENT.

S. R. SHEFFIELD, PLS NO. 1365
DATE: MAY 14, 2019

REFERENCE:
DEED BOOK 4521, PAGE 199
MOORE COUNTY REGISTRY

ACREAGE DETERMINED
BY COORDINATE METHOD.

NOT INTENDED TO BE PREPARED
FOR RECORDATION IN ACCORDANCE
WITH G. S. 47-30 AS AMENDED.

UNLESS OTHERWISE DENOTED,

- = EXISTING IRON STAKE
- = EXISTING CONCRETE MONUMENT
- = SET CONCRETE MONUMENT
- = SET IRON STAKE
- ~ = SQUARE FOOTAGE
- = UTILITY POLE
- ⊞ = WATER METER
- ⊕ = WATER VALVE
- ⊙ = FIRE HYDRANT
- ⊞ = CATCH BASIN
- ⊙ = SANITARY SEWER MANHOLE
- ▲ = POWER SERVICE STUB
- ⊙ = SEWER SERVICE STUB
- ⊙ = TELEPHONE SERVICE STUB
- ⊙ = CABLE TV SERVICE STUB
- X — X — = FENCE
- S — S — = SILT FENCE
- ⊙ = AREA LIGHT

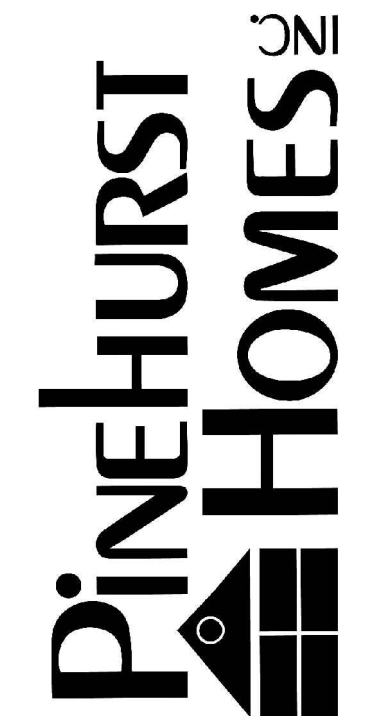
SURVEY FOR
MICHAEL H. BROWN
AND WIFE
MORIAH U. BROWN
LOT NO. 605, OLD TOWN SECTION
PINEHURST
MINERAL SPRINGS TOWNSHIP, MOORE COUNTY,
PINEHURST, NORTH CAROLINA
MAY 14, 2019 —*— SCALE 1"=20'
STEPHEN R. SHEFFIELD & ASSOCIATES, P.A.
1680 NC HWY. 5, SUITE NO. 170
ABERDEEN, NORTH CAROLINA





Imark Design
Mark Dean
(910)-944-3486
imark.drafting@yahoo.com

IMARK DESIGN ASSUMES NO LIABILITY FOR ANY PROJECT CONSTRUCTED FROM THESE DRAWINGS AND SPECIFICATIONS. BUILDER OR CONTRACTOR MUST VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION AND VERIFY COMPLIANCE WITH ALL LOCAL BUILDING CODES AND ORDINANCES WHERE THE PROJECT IS TO BE CONSTRUCTED. NO LICENSED ARCHITECTURAL OR STRUCTURAL ENGINEERING SERVICES ARE REPRESENTED OR IMPLIED IN THESE DRAWINGS AND SPECIFICATIONS.



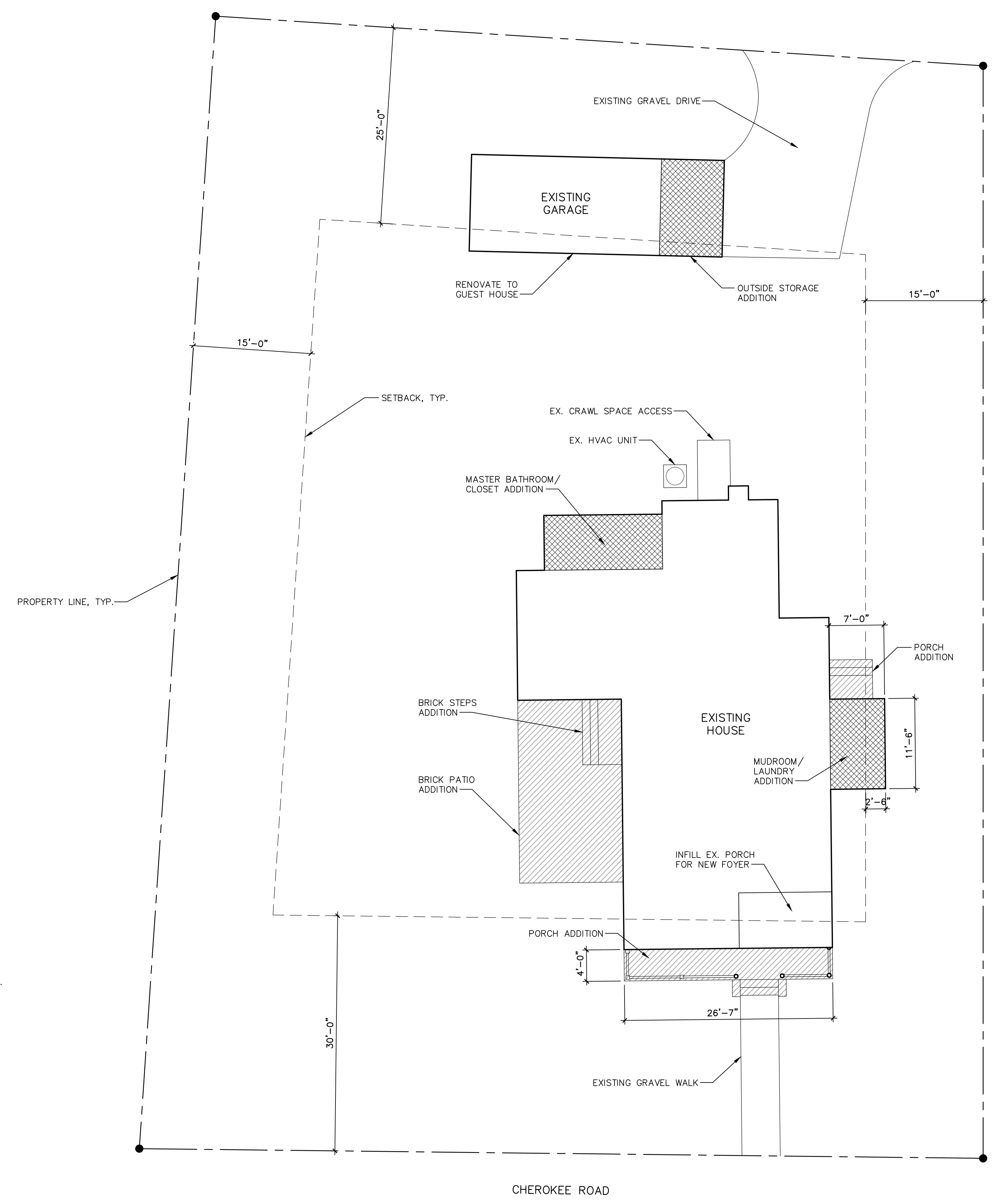
BROWN "HONEYSUCKLE" COTTAGE
RENOVATION & ADDITIONS
65 CHEROKEE ROAD, PINEHURST, NORTH CAROLINA

• SITE PLAN

• SCALE : $\frac{1}{8}" = 1'-0"$
• DATE : 6 / 10 / 2019

• DRAWING NO. :

S-1



NOTES

- THIS SITE PLAN WAS BASED UPON SURVEY BY STEPHEN R. SHEFFIELD & ASSOCIATES, P.A. 1680 NC HIGHWAY 5, SUITE No. 170 ABERDEEN, NC 28387. DATED MAY 14, 2019.
- UTILITIES ARE NOT DEPICTED HEREIN. BEFORE COMMENCING WITH CONSTRUCTION CHECK FOR LOCATION OF UNDERGROUND UTILITIES. CALL THE NORTH CAROLINA ONE-CALL CENTER AT 811 OR 1-800-632-4949 PRIOR TO ANY EXCAVATION. COORDINATE WITH BURIED UTILITIES PRIOR TO DEMOLITION AND NEW CONSTRUCTION.
- AREA TABULATIONS:

EXISTING HOUSE:	1,569 SF
EXISTING GARAGE:	299 SF
EXISTING TOTAL:	1,868 SF
MUDROOM & PORCH ADDITION:	98 SF
FRONT PORCH ADDITION:	121 SF
OUTDOOR STORAGE ADDITION:	99 SF
MASTER BATHRM./ CLO. ADDITION:	106 SF
BRICK PATIO ADDITION (INCL. STEPS):	308 SF
ADDITIONS TOTAL:	732 SF
TOTAL PROPERTY:	14,603 SF
TOTAL FINISHED PROJECT IMPERVIOUS:	2,600 SF (18%)







PLANNING AND INSPECTIONS DEPARTMENT STAFF REPORT

To: Zoning Board of Adjustment
From: Alex Cameron, Senior Planner
CC: Darryn Burich, Planning and Inspections Director
Date: July 2, 2019
Subject: Variance Request for 65 Cherokee Road

Applicant:	Pinehurst Homes Inc.
Owners:	Michael & Moriah Brown
Property Location:	65 Cherokee Rd.
Zoning:	R-10 (High Density Residential) Historic Preservation Overlay District
Front Yard Setback:	30'
Proposed Front Yard Setback:	22'
Side Yard Setback:	15'
Proposed Side Yard Setback:	12.5'
Current Land Use:	Single Family Residence
PID#	00014110

Request and Background:

This request is to vary the 30' minimum front yard setback from the property line and to vary the 15' minimum side yard setback from the property line in the R-10 Zoning District. This property is approximately .351 acres in size and includes a single family home that was built circa 1895. Tax records indicate that the property was purchased by the current owner in July of 2015. The property is also located within the Historic Preservation Overlay District. The subject property is immediately surrounded on all sides by single family residences zoned R-10. The Village Commercial District is just to the north of the subject property and the Village Green, which is zoned Public Conservation is to the east. (see attached maps)

Currently, the front of the home is nonconforming to the minimum front yard setback and encroaches approximately 4' into the setback. This request would allow for an additional 4' encroachment to allow for a front porch addition. The home has approximately 1,520 square feet, which is nonconforming to the minimum heated square footage requirement of the R-10 District. The property also has a detached

garage in the rear yard along an alley way that was built circa 1950. The home is referred to as “Honeysuckle Cottage” and is listed as a contributing structure with the National Historic Landmark designation. Any proposed exterior revisions to the structures and site would require a Certificate of Appropriateness and need to be reviewed by the Historic Preservation Commission or staff.

The applicant has submitted an application with description, letter of authorization from the owner, existing photo, proposed elevation, existing survey with the current R-10 setbacks shown and surveyed site plant with proposed additions and encroachments for review by the Zoning Board of Adjustment.

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;

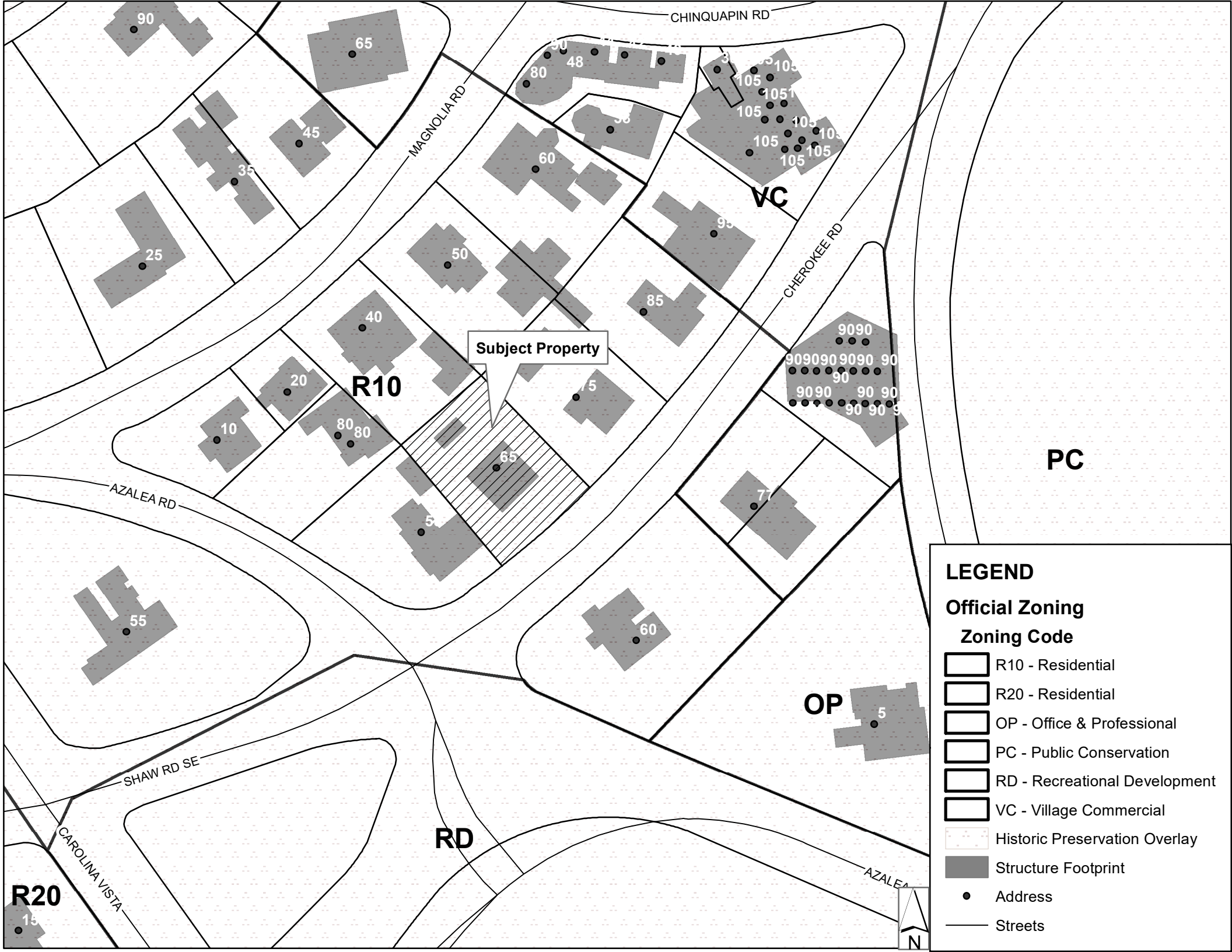
The Zoning Board of Adjustment shall not grant any variance unless there is a concurring vote of at least 4 of its 5 members.

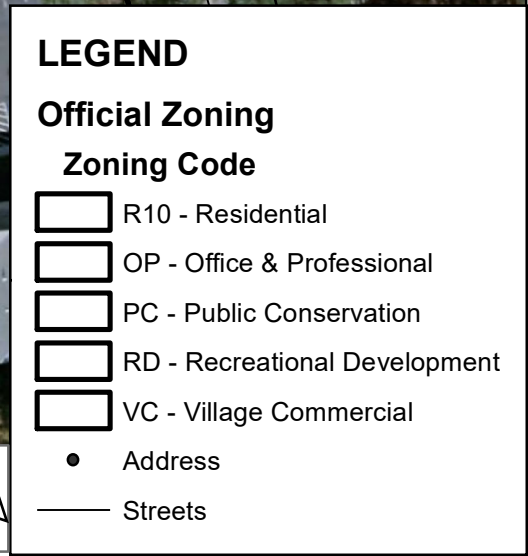
Staff does not formulate a recommendation of variance request as decisions are to be based solely on the testimony and evidence submitted at the quasi-judicial hearing.

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_____

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

VARIANCE FOR 65 CHEROKEE RD.

July 11, 2019

**Michael and Moriah Brown
1524 Brookgreen Drive
Myrtle Beach, SC 29577**

RE: Variance request from section 9.2a Tables of Dimensional Requirements for the property at 65 Cherokee Rd., further identified by Moore County PID # 00014110. This property is located within the R-10 (High Density Residential) Zoning District and the Historic Preservation Overlay District. Specifically, the applicant and owners, Michael and Moriah Brown are requesting a variance from the 30' Front Yard Setback and the 15' Side Yard Setback to allow for front and side yard addition.

Dear Mr. and Mrs. Brown,

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 Village of Pinehurst Zoning Board of Adjustment held a public hearing on **July 11, 2019** where the board considered all evidence submitted by the parties and voted to **approve/deny** the variance request for property at **65 Cherokee Rd.** with the following required findings of fact and conclusions of law:

- (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;



HISTORY, CHARM, AND SOUTHERN HOSPITALITY_____

(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;

(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):

The foregoing Findings of Fact and Conclusions of Law are to be based on the Official Record in the proceeding that is made up of the official transcripts and any documentary evidence submitted within the course of the proceeding.

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_.



HISTORY, CHARM, AND SOUTHERN HOSPITALITY_____

Julia Latham
Chair of the Board of Adjustment

Ruling filed with the Village of Pinehurst:

DATE

Kelly Brown
Clerk to the Zoning Board of Adjustment

Cc: Alex Cameron
 Kelly Brown



PUBLIC HEARING NO. 2
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 5 York Place, further identified by Moore County PID # 00017008. This property is located within the R-10 (High Density Residential) Zoning District. Specifically, the applicant and owners, Don and Betty Zeilstra are requesting a 5 foot variance on the 25' rear yard setback.

FROM:

Alex Cameron, Senior Planner

CC:

Darryn Burich & Kelly Brown

DATE OF MEMO:

7/3/2019

MEMO DETAILS:

Please see the attached documents related to this public hearing.

ATTACHMENTS:

Description

- ☐ Application
- ☐ Supplemental Material
- ☐ Property Survey
- ☐ Plat from 1974
- ☐ Staff Report
- ☐ Written Decision



009

Variance
(Revised 04/01/19)

Variance Information

The variance process administered by the Zoning Board of Adjustment 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 an unnecessary hardship prohibiting the use of land in a manner otherwise allowed. It is not intended that variances be granted merely to remove inconveniences or financial burdens that zoning requirements may impose on property owners in general. Rather, it is intended to provide relief where the zoning requirements 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. Please refer to Section 5.1 of the PDO for the requirements of a variance.

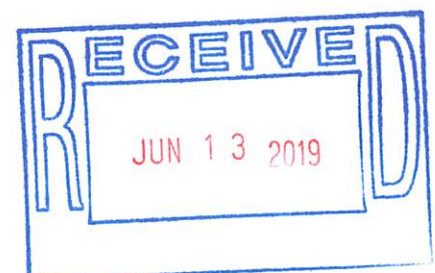
When unnecessary hardships would result from carrying out the strict letter of this ordinance, the Board of Adjustment shall vary any of the provisions of this ordinance upon a showing of all of the following:

- (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.

An application for a variance may be filed only by the owner of the land affected by the variance; an agent or contract purchaser specifically authorized by the owner to file such application; or any unit of government which is not the owner of the lot but proposes to acquire the lot by purchase, gift, or condemnation. Where an agent, or contract purchaser files the application, the agent, or contract purchaser shall provide the Village with written documentation that the owner of the property has authorized the filing of the application.

This application must be completed in full and submitted with the associated fee listed in the Village's Fees and Charges Schedule, which can be accessed at www.vopnc.org.

Property Address	
Street Address	5 York Place
City, State, Zip Code	Pinehurst, NC 28374
Parcel ID #	00017008





Variance
(Revised 04/01/19)

Owner Information			
Name	Donald Zeilstra	Home Phone #	910-295-5400
Street Address	7 York Place	Mobile Phone #	
City, State, Zip Code	Pinehurst, NC 28374	Business Phone #	
Email			

Applicant			
Name	Pinehurst Homes, Inc	Other Phone #	910-295-5400
Email	admin@pinehursthomesinc.com	Street Address	PO Box 3190
Mobile Phone #	910-295-5400	City, State, Zip Code	Pinehurst, NC 28374

General Information

Legal Basis for Application	<input type="checkbox"/> Agent or Contract Purchaser Authorized by the Property Owner <input type="checkbox"/> Government Agency Proposing to Acquire Land Affected by the Variance <input checked="" type="checkbox"/> Owner of the Land Affected by the Variance
General Description of Variance Request	Request a 5 foot rear set back variance to provide minimal area to construct a home to meet R10 Zoning Requirements
Ordinance Section Reference	9.2, 9.2a
Ordinance Text (Verbatim)	<p>All uses and structures in the general use zoning districts shall comply with the dimensional requirements listed in Table 9.2a, except as may be provided by this Ordinance. Minimum lot listed in the Table are subject to modifications based on open space requirements, subdivision requirements, or alternate design provisions within this Ordinance.</p> <p>Table 9.2a - Attached</p>



Variance
(Revised 04/01/19)

Description of unnecessary hardship that would result from the strict application of the ordinance	The existing property with applicable set back restrictions does not provide adequate space to design nor build a desirable home. 3 plans are provided that are typical smaller (speculative) homes in the area. None of the homes are buildable on the property. The property is not consistent with surrounding Lots with reference to the Rear Set Back. A 5 ft. variance would provide minimal area to build a home on the property that meets the 1800 Square Footage R-10 Requirement.
Description of how the hardship results from conditions that are peculiar to the property, such as location, size, or topography	The CUL-DE-SAC restricts area (depth) in size of lot. The right side of the property does not provide enough depth to design nor build a desirable home compatible with surrounding dwellings.
Description of how the hardship did not result from actions taken by the applicant or the property owner	The lot design and development was recorded by Pinehurst Enterprises, Inc (Resort) prior to VOP of Pinehurst Incorporation. Other properties including my clients existing home does not comply with the 25 ft. Rear Yard Set-Back
Explanation of how 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 requested variance is consistent with the adjoining Basically—The Cul-de-sac street design and the size of the lot totally prevents a home to be constructed on this property that is compatible with the surrounding homes. Variance approval would allow a home to be constructed that compliments the Neighborhood, built to public safety requirements, and Building Codes.

Required Documents

☒ Written authorization of the property owner (If not filed by owner)

Certification

I hereby certify that the information contained in this application is accurate and complete. I also confirm that I have read and understand the criteria that must be met in order to receive approval for a variance.

Applicant Signature:

Amber McChesney

Date:

6/12/19

Village Of Pinehurst

Historic District

395 Magnolia Road

Pinehurst, NC 28374

Variance

To whom it may concern:

This letter is to authorize Pinehurst Homes, Inc to act on my behalf before the Village Of Pinehurst, Historic District, and Variance.

Signed by:

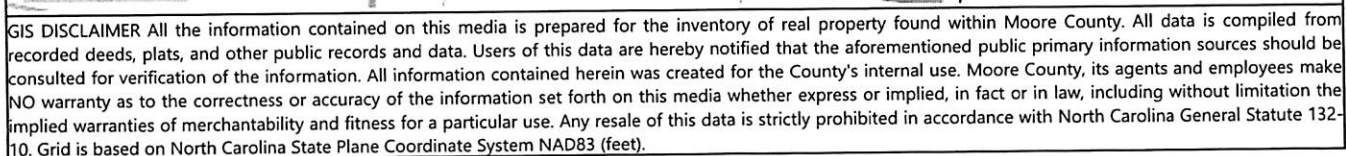
Donald Zeilstra,

A handwritten signature in black ink, appearing to read "Donald Zeilstra", with a long horizontal stroke extending to the right.

I wish to provide Expert Testimony to the Board based on my previous Development Experience. I was employed by Pinehurst Resort in 1981 to Develop #6, #7, Lake View Villas, Dogwood Terrace, and Juniper Creek Townhomes. My responsibilities involved the development of Clarendon Gardens, Pinewild, National #9, and other properties the Resort sold during the time period of 1981-1986. I did not sub-contract the utility water/sewer installation or road work including clearing/grading/engineering drainage. I worked closely with the VOP to develop the Set-Back Requirements for #7 Golf Course Lots (from the course) immediately after the VOP was Incorporated. I also managed the Engineering Firm as Directed to Design the #7 Lots. I have been a building Contractor since 1984. I am currently the owner of Pinehurst Homes, Inc. and have an Unlimited License #28728. I have worked with 3 architectural Designers that work principally with speculative homes of the size to work on this property: Antiqua Designs, Dream Home Design, and Reaves Home Design. None of the firms can provide a home plan that is suitable for this property. I agree with them that in order to build on this lot a 5 ft. Variance is required. This would allow a home to be built on 690 York Pl. Pinehurst.

Thank you!
Wayne Haddock

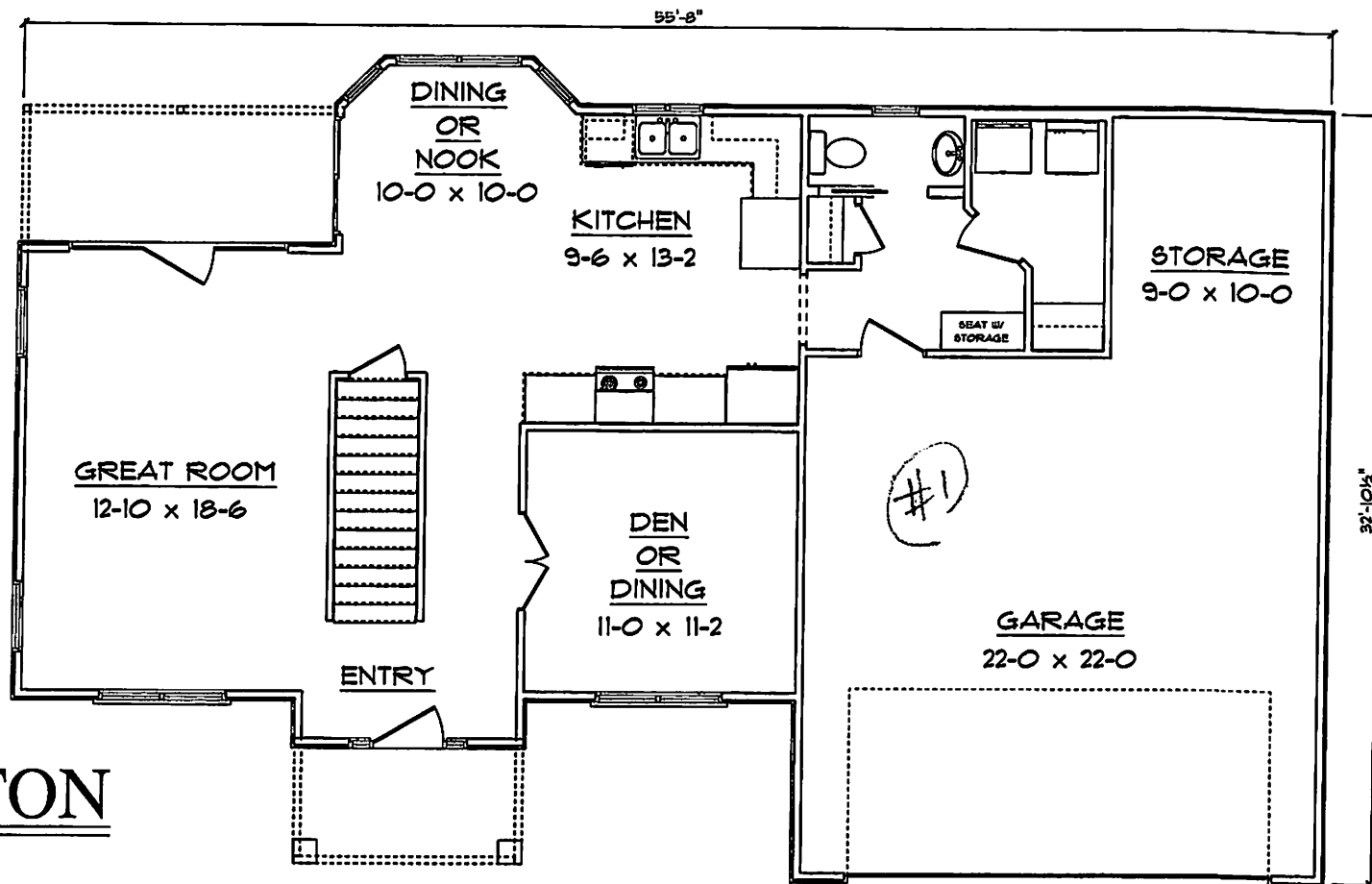
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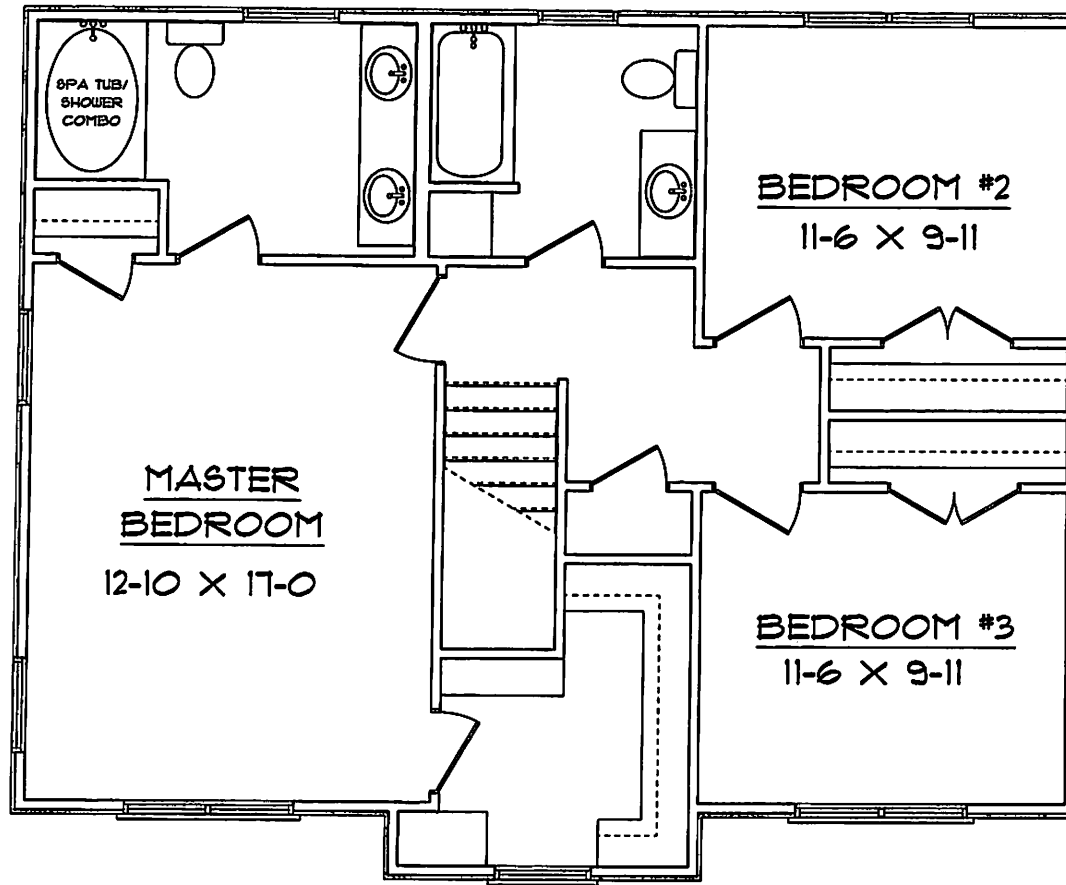
MAIN FLOOR PLAN

AREAS (IN SQUARE FEET)

MAIN HEATED	325.2
UPPER LEVEL	854.9
TOTAL HEATED	1180.1
GARAGE	616.8
REAR PORCH	75.0
FRONT PORCH	48.8
TOTAL UNDER ROOF	2634.1

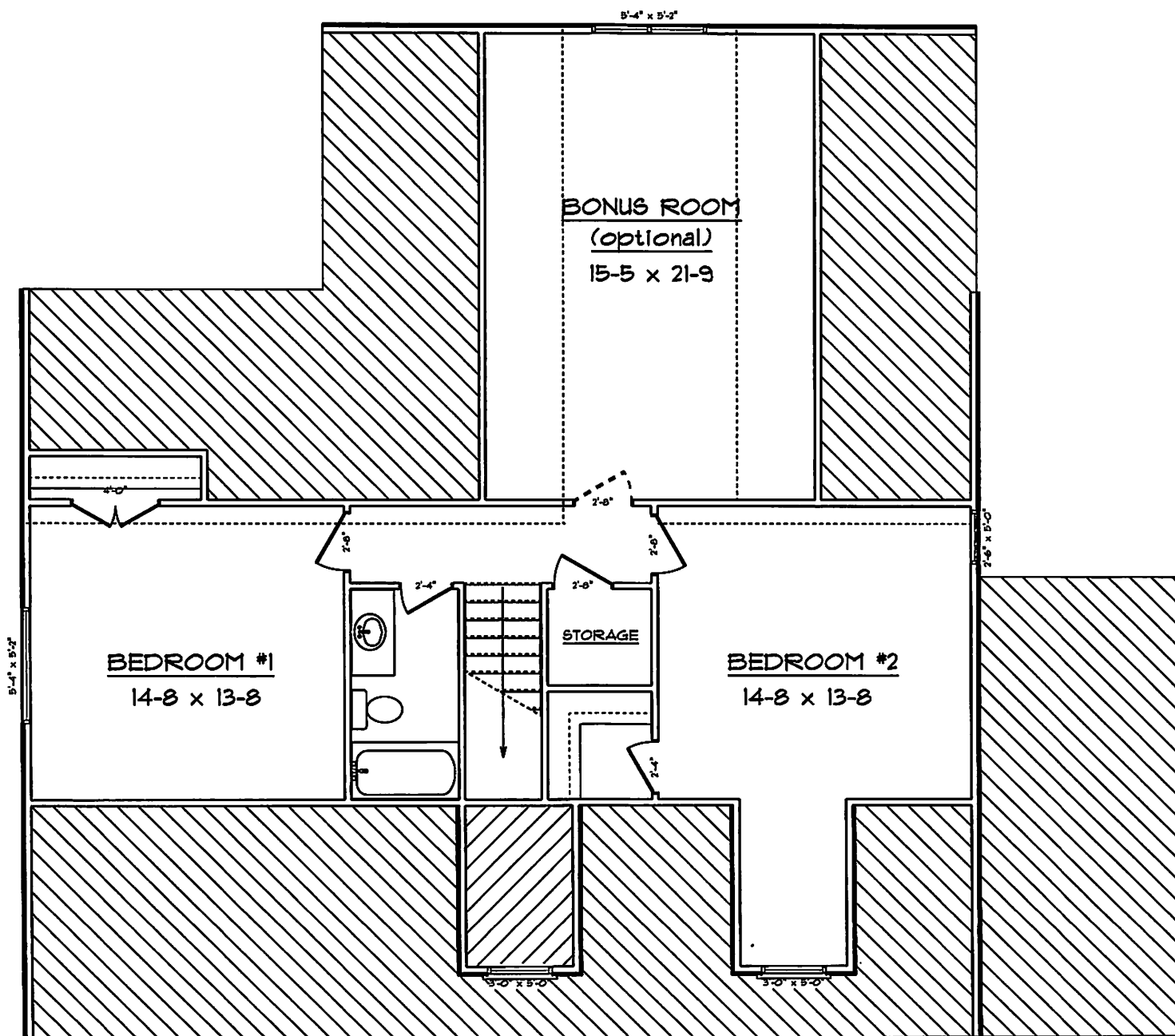


THE KINGSTON



UPPER LEVEL PLAN
THE KINGSTON

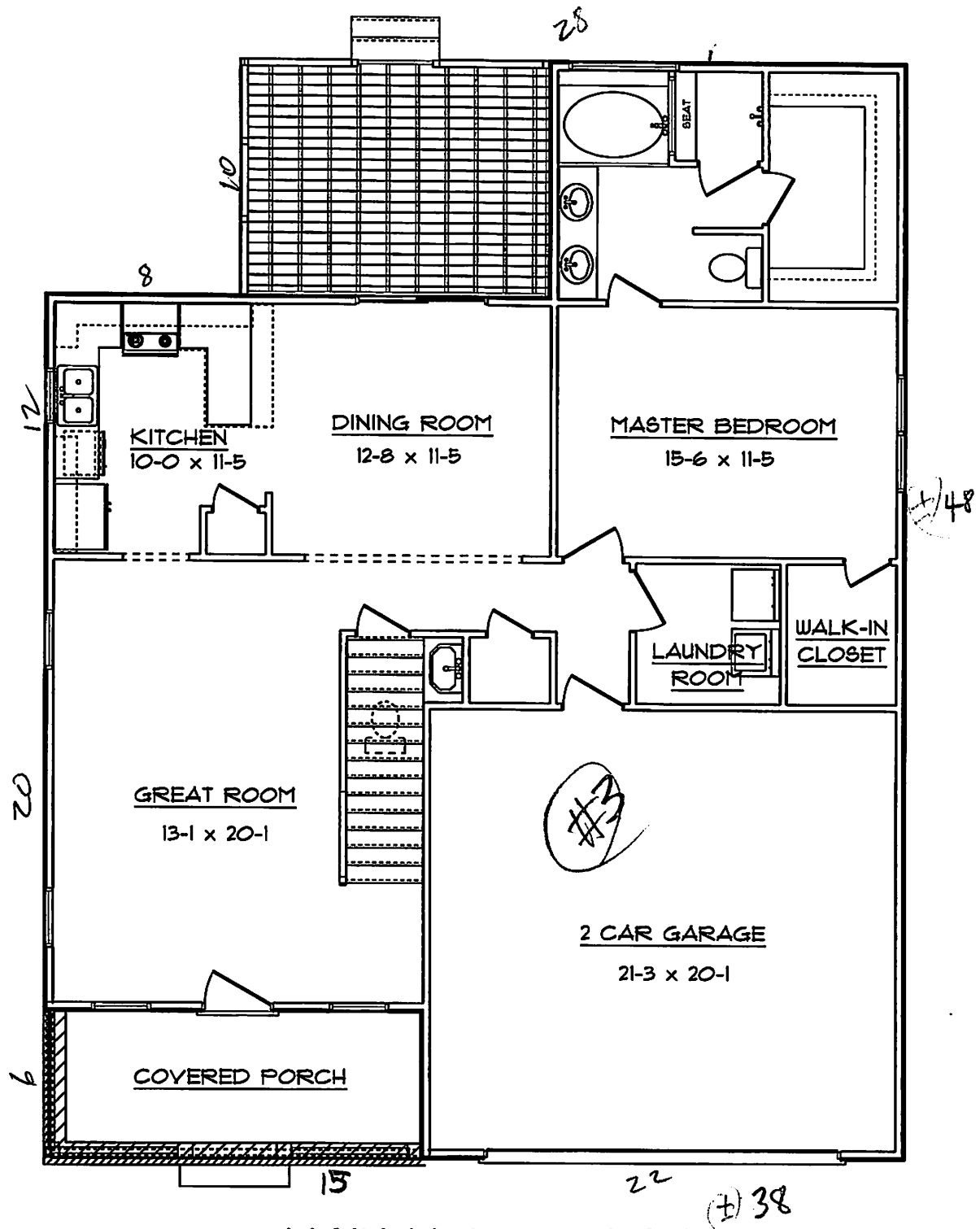




Driftwood



(+) 38



6

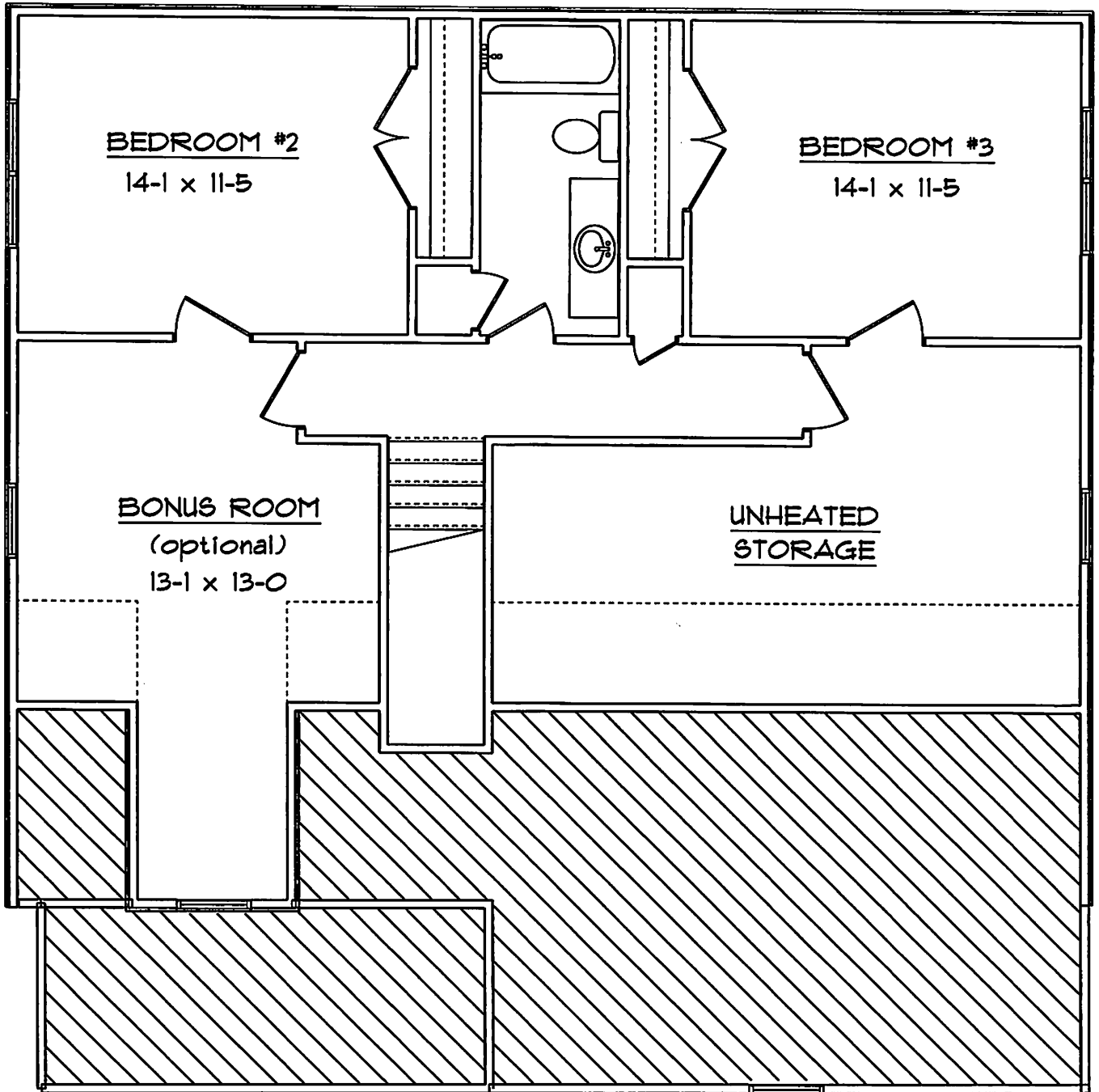
MAIN FLOOR PLAN

FINISHED AREAS

MAIN FLOOR	1145 S.F.
UPPER LEVEL	567 S.F.
OPTIONAL BONUS ROOM	212 S.F.

grade

THE BROWNSTONE





CW

Hayes

FOR REGISTRATION REGISTER OF DEEDS
JUDY D. MARTIN
MOORE COUNTY, NC
2005 OCT 18 01:44:27 PM
BK:2911 PG:194-195 FEE:\$431.00
NC REVENUE STAMP:\$414.00
INSTRUMENT # 2005020747

This Instrument Prepared By:
H. Craig Phifer, III
Clarke & Phifer, L.L.P.
135 Applecross Road
Pinehurst, North Carolina 28374

STATE OF NORTH CAROLINA
COUNTY OF MOORE

GENERAL WARRANTY DEED

THIS DEED, made this 12 day of October, 2005 by JOHN RANDOLPH GRAVES OLINGER AND WIFE, RHONDA JOLLY OLINGER, Grantor, to DONALD G. ZEILSTRA AND WIFE, BETTY J. ZEILSTRA, Grantee;

Tax Address: 7 York Place, Pinehurst, NC 28374

WITNESSETH:

That said Grantor, for 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, tract or parcel of land situate in Moore County, North Carolina, and more particularly described as follows:

Lot No. 689, Unit 8A, Phase 1 and Lot No. 690, Unit 8A, Phase 1, of the property of Pinehurst, Incorporated, as shown on Plat thereof recorded in the Office of the Register of Deeds of Moore County, North Carolina in Map Book 10, Pages 40-41; and

This conveyance is made subject to: (i) the Declaration of Restrictions, conditions, easements, covenants, agreements, liens, and charges recorded in Book 361, Page 75, as the same may have been amended, (ii) such matters, provisions, and reservations as are shown on the above Plat; (iii) the oil, gas and other minerals and mineral rights in and under the above described property have been expressly reserved provided that all right, title and interest in the surface estate has been previously released; (iv) the lien for ad valorem taxes or other assessments for the year of closing or conveyance; and (v) utility easements of record.

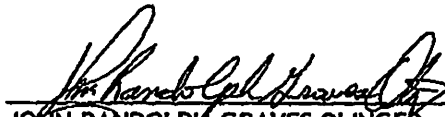
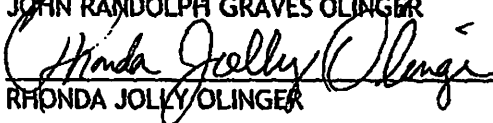
And being the same property conveyed to Grantor by Deed, in Book 969, Page 335,
and Book 2597, Page 535 Moore County Registry, Carthage, North Carolina.

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.

And the Grantor covenants with the Grantee that Grantor is seized of the premises in fee
simple, has the right to convey the same in fee simple, that title is marketable and free and clear
of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims
of all persons whomsoever except for the exceptions noted herein.

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.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal the day and year
first above written.

 (SEAL)
JOHN RANDOLPH GRAVES OLINGER
 (SEAL)
RHONDA JOLLY OLINGER

=====

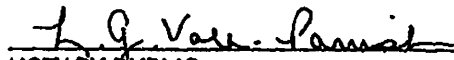
STATE OF NORTH CAROLINA
COUNTY OF MOORE

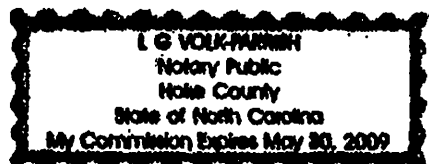
I, L.G. Volk-Parrish, a Notary Public of the County and State
aforesaid, certify that JOHN RANDOLPH GRAVES OLINGER AND RHONDA JOLLY OLINGER
personally appeared before me this day and being by me duly sworn, said that they acknowledged
the due execution of the foregoing instrument.

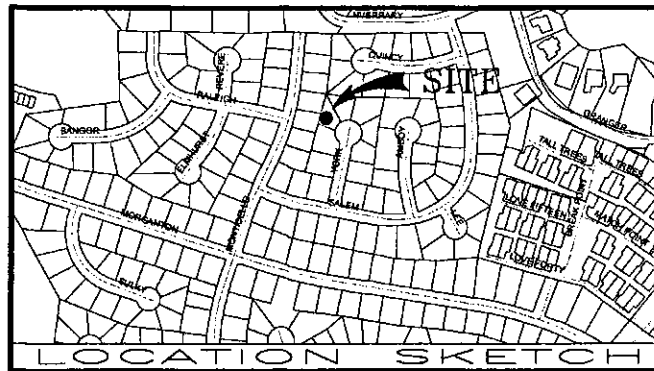
Witness my hand and official stamp or seal, this 12th day of October, 2005.

My Commission Expires:

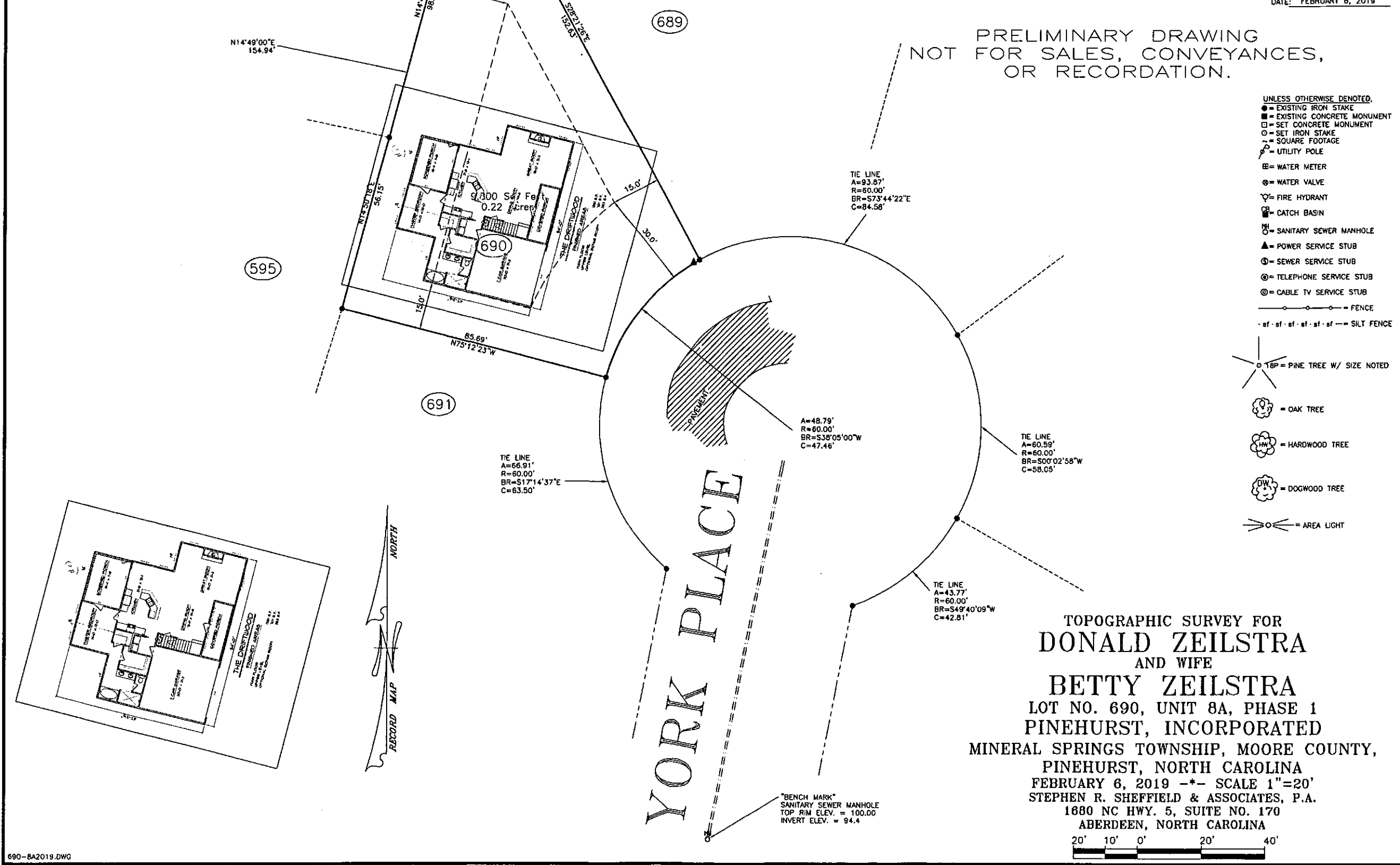
5/30/2009


NOTARY PUBLIC
(NOTARIAL SEAL)





LOCATION SKETCH



I certify that this map was drawn under my supervision from an actual survey made under my supervision; that the boundaries not surveyed are indicated as drawn from information shown hereon; that the ratio of precision or positional accuracy is 1/10,000+; and that this map meets the requirements of The Standards of Practice for Land Surveying in North Carolina (21 NCAC 56. 1600).
Further:
I hereby certify that the premises shown & described hereon, do not lie in a F.E.M.A. designated 100 year flood plain area.

REFERENCE:
MAP BOOK 10, PG. 41
MOORE COUNTY REGISTRY
ACREAGE DETERMINED
BY COORDINATE METHOD.
NOT INTENDED TO BE PREPARED
FOR RECORDATION IN ACCORDANCE
WITH G. S. 47-30 AS AMENDED.
CORPORATE LICENSE NO. C-1987

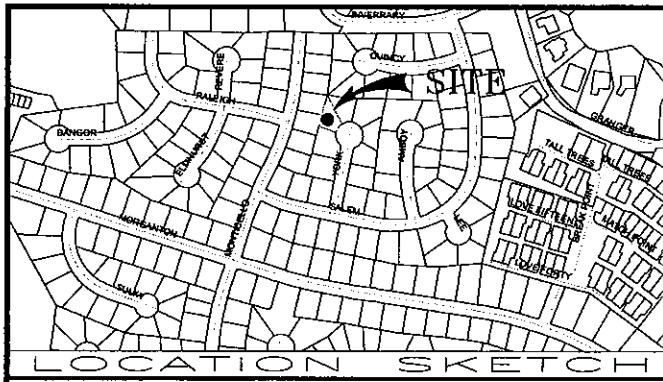
S. R. SHEFFIELD, PLS NO. 1365
DATE: FEBRUARY 6, 2019

PRELIMINARY DRAWING
NOT FOR SALES, CONVEYANCES,
OR RECORDATION.

- UNLESS OTHERWISE DENOTED.
- = EXISTING IRON STAKE
 - = EXISTING CONCRETE MONUMENT
 - = SET CONCRETE MONUMENT
 - = SET IRON STAKE
 - ~ = SQUARE FOOTAGE
 - ~ = UTILITY POLE
 - BM = WATER METER
 - ⊙ = WATER VALVE
 - ⊙ = FIRE HYDRANT
 - ⊙ = CATCH BASIN
 - ⊙ = SANITARY SEWER MANHOLE
 - ▲ = POWER SERVICE STUB
 - ⊙ = SEWER SERVICE STUB
 - ⊙ = TELEPHONE SERVICE STUB
 - ⊙ = CABLE TV SERVICE STUB
 - — — = FENCE
 - sf - sf - sf - sf - sf - = SILT FENCE
 - TBP = PINE TREE W/ SIZE NOTED
 - = OAK TREE
 - HW = HARDWOOD TREE
 - DW = DOGWOOD TREE
 - ⊙ = AREA LIGHT

TOPOGRAPHIC SURVEY FOR
DONALD ZEILSTRA
AND WIFE
BETTY ZEILSTRA
LOT NO. 690, UNIT 8A, PHASE 1
PINEHURST, INCORPORATED
MINERAL SPRINGS TOWNSHIP, MOORE COUNTY,
PINEHURST, NORTH CAROLINA
FEBRUARY 6, 2019 -- SCALE 1"=20'
STEPHEN R. SHEFFIELD & ASSOCIATES, P.A.
1680 NC HWY. 5, SUITE NO. 170
ABERDEEN, NORTH CAROLINA

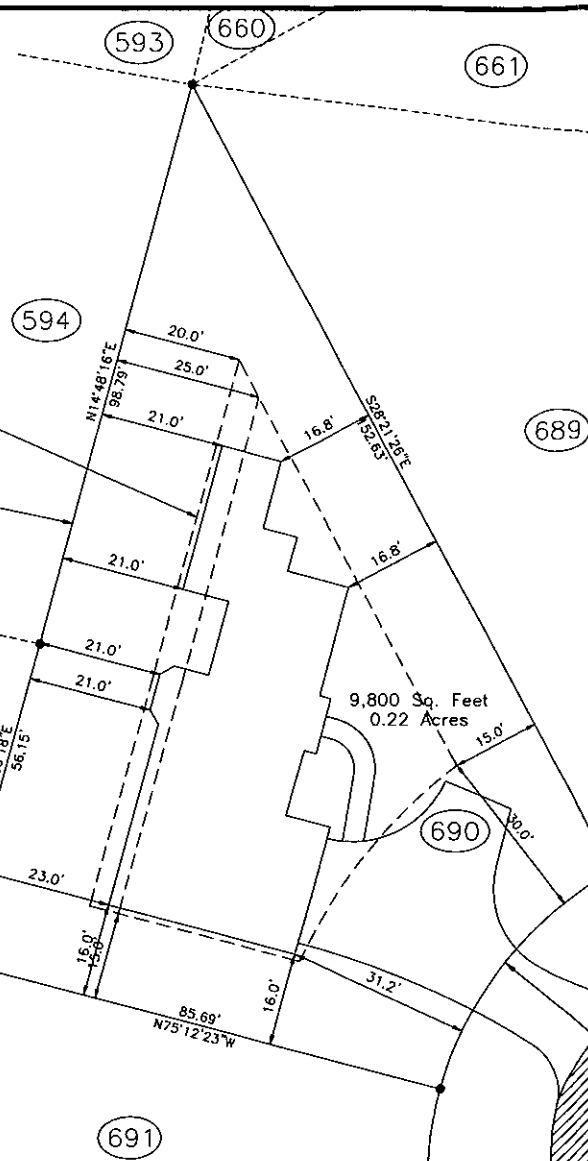




PROPOSED 5' VARIANCE LINE

N14°49'00"E
154.94'

(595)



TIE LINE
A=66.91'
R=60.00'
BR=S17°14'37"E
C=63.50'

A=48.79'
R=60.00'
BR=S38°05'00"W
C=47.46'

TIE LINE
A=93.87'
R=60.00'
BR=S73°44'22"E
C=84.58'

TIE LINE
A=60.59'
R=60.00'
BR=S00°02'58"W
C=58.05'

TIE LINE
A=43.77'
R=60.00'
BR=S49°40'09"W
C=42.81'

"BENCH MARK"
SANITARY SEWER MANHOLE
TOP RIM ELEV. = 100.00
INVERT ELEV. = 94.4

AREA IN:
HOUSE=1959 sq.ft.±
DRIVE =872 sq.ft.±
WALK =83 sq.ft.±
TOTAL IMPERVIOUS=2914 sq.ft.±
TOTAL DISTURBED=XX sq.ft.±

TOTAL IMPERVIOUS= 2914 sq.ft.± = 30% COVERAGE BY IMPERVIOUS SURFACE
9800 SQ FT OF LOT 40% MAX. ALLOWED



PRELIMINARY DRAWING
NOT FOR SALES, CONVEYANCES,
OR RECORDATION.

I certify that this map was drawn under my supervision from an actual survey made under my supervision; that the boundaries not surveyed are indicated as drawn from information shown hereon; that the ratio of precision or positional accuracy is 1/10,000+; and that this map meets the requirements of The Standards of Practice for Land Surveying in North Carolina (21 NCAC 56. 1600).

Further:
I hereby certify that the premises shown & described hereon, do not lie in a F.E.M.A. designated 100 year flood plain area.

REFERENCE:
MAP BOOK 10, PG. 41
MOORE COUNTY REGISTRY
ACREAGE DETERMINED
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NOT INTENDED TO BE PREPARED
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CORPORATE LICENSE NO. C-1987

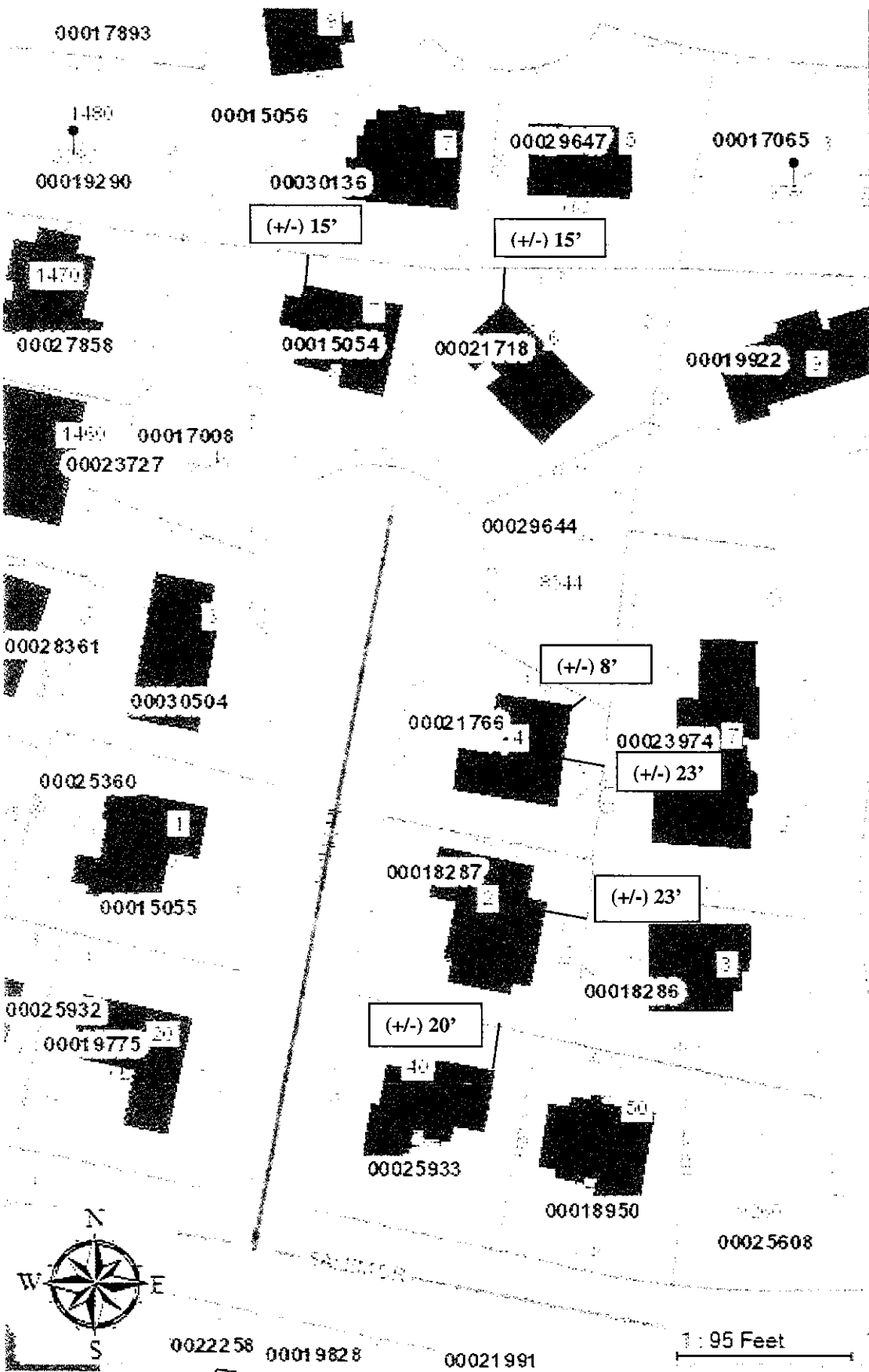
S. R. SHEFFIELD, PLS NO. 1365

DATE: FEBRUARY 6, 2019

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 - ⊞ = CATCH BASIN
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 - ▲ = POWER SERVICE STUB
 - ⊙ = SEWER SERVICE STUB
 - ⊙ = TELEPHONE SERVICE STUB
 - ⊙ = CABLE TV SERVICE STUB
 - = FENCE
 - = SILT FENCE
 - TSP = PINE TREE W/ SIZE NOTED
 - = OAK TREE
 - = HARDWOOD TREE
 - = DOGWOOD TREE
 - = AREA LIGHT

TOPOGRAPHIC SURVEY FOR
DONALD ZEILSTRA
AND WIFE
BETTY ZEILSTRA
LOT NO. 690, UNIT 8A, PHASE 1
PINEHURST, INCORPORATED
MINERAL SPRINGS TOWNSHIP, MOORE COUNTY,
PINEHURST, NORTH CAROLINA
FEBRUARY 6, 2019 —*— SCALE 1"=20'
STEPHEN R. SHEFFIELD & ASSOCIATES, P.A.
1680 NC HWY. 5, SUITE NO. 170
ABERDEEN, NORTH CAROLINA





NORTH CAROLINA MOORE COUNTY

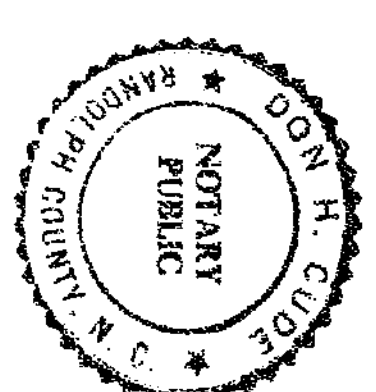
Filed for registration 1:20 P
January 22, 1973, in the
Register of Deeds Office of Moore
County and Registered 1:25 P.M.
January 22, 1973, in Book
10, Page 44
David L. Lewis
Register of Deeds

I, Willard C. Lewis, certify that under my
direction and supervision this map was drawn
from an actual field land survey, that the
error of closure on all lots shown is no less than
1:5000; that this map was prepared in
accordance with G.S. 47-30 as amended.

WITNESS my hand and seal, this 24th day
of January, A.D., 1973.



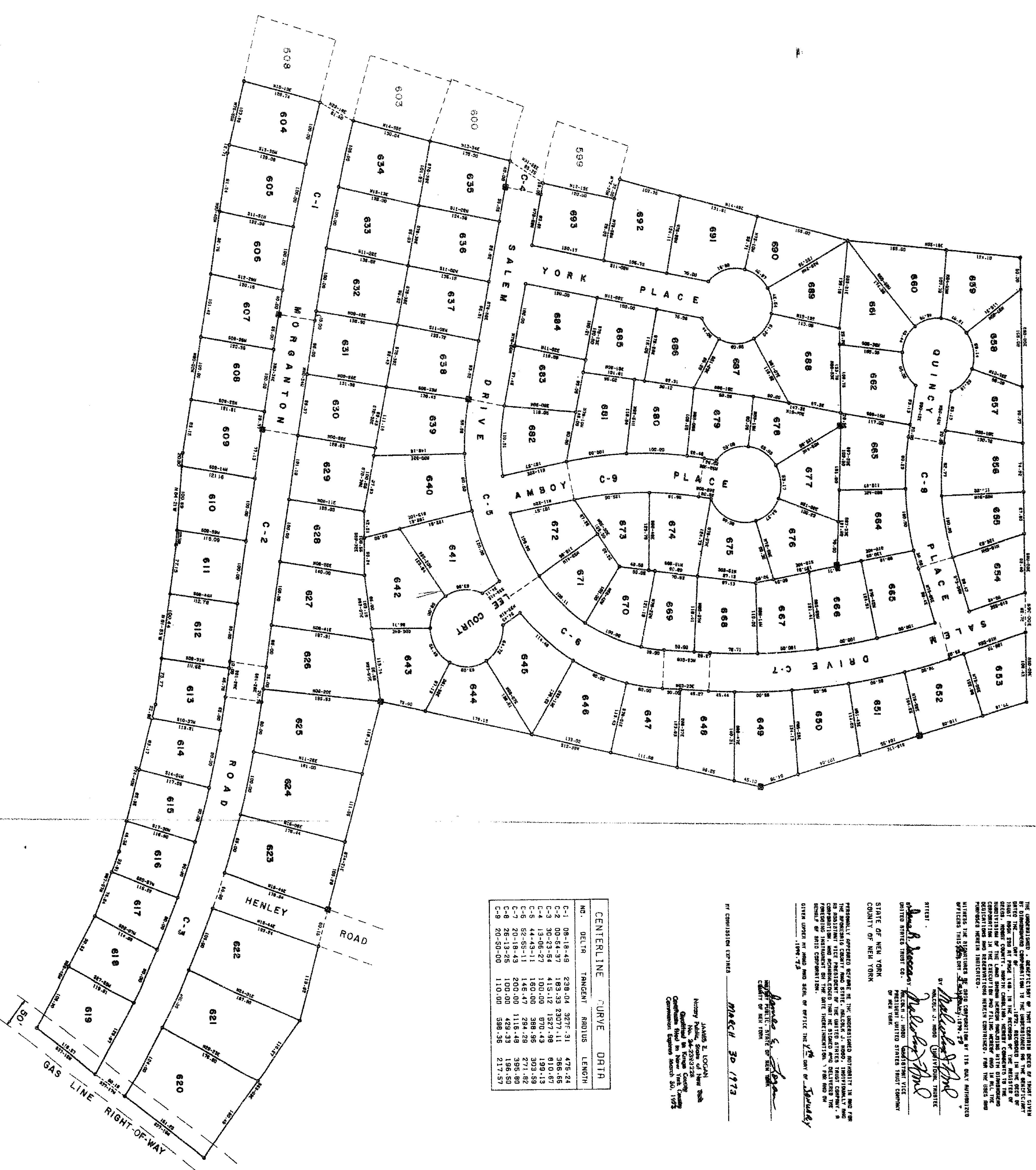
Willard C. Lewis
Land Surveyor
Registration Number L 744



Don H. Cude
Notary Public
My commission expires 1-1-74

The foregoing certificate(s) of Don H. Cude,
Notary Public - Raleigh, N.C.,
is/are certified to be correct. This
instrument was presented for registration
and recorded in this office of Map Book 10,
Page 44, this 22nd day of January,
1973, at 1:20 o'clock P.M.
David L. Lewis
Register of Deeds

NO.	DELTA	TANGENT	RADIUS	LENGTH
C-1	08-18-49	238.04	3276.31	475.24
C-2	00-54-57	183.33	2307.11	366.66
C-3	30-23-54	415.12	1527.98	810.67
C-4	13-06-27	100.00	970.48	509.13
C-5	00-00-00	100.00	100.00	100.00
C-6	52-55-11	146.47	294.29	271.82
C-7	20-18-43	200.00	1116.48	395.80
C-8	28-13-25	100.00	429.33	196.50
C-9	20-50-00	110.00	588.36	217.57



LEGEND
Denotes Iron Pipe
Control Corner

PINEHURST, INCORPORATED
MOORE COUNTY, NORTH CAROLINA
MINERAL SPRINGS TOWNSHIP
PHASE 1, UNIT 8A
PAGE 2 OF 2 PAGES
SCALE: 1" = 100' - JANUARY 1973
MOORE, GARDNER AND ASSOCIATES, INC.
CONSULTING ENGINEERS
ASHEBORO, NORTH CAROLINA

NOTE: (1) All right of ways and cut-de-sac roads
are 60', unless otherwise noted.
(2) All bearings shown refer to the North
Carolina State Coordinate Grid System.



PLANNING AND INSPECTIONS DEPARTMENT STAFF REPORT

To: Zoning Board of Adjustment
From: Alex Cameron, Senior Planner
CC: Darryn Burich, Planning and Inspections Director
Date: July 1, 2019
Subject: Variance Request for 5 York Place

Applicant:	Pinehurst Homes Inc.
Owners:	Donald & Betty Zeilstra
Property Location:	5 York Place
Zoning:	R-10 (High Density Residential)
Rear Yard Setback:	25'
Proposed Rear Yard Setback:	20'
Current Land Use:	Vacant
Proposed Land Use:	Single Family Residence
PID#	00017008

Request and Background:

This request is to vary the 25' minimum rear yard setback from the property line in the R-10 Zoning District and allow for a 20' minimum rear yard setback. This property is approximately .216 acres in size and is currently vacant. Tax records indicate that the property was purchased by the current owner in October of 2005. The property is one of ten lots located along York Place and is one of two that are currently vacant. The subject property is surrounded on all sides by single family residences zoned R-10. (see attached maps)

The lot is part of a subdivision by Pinehurst, Inc. in 1973 as indicated on a map recorded with the Moore County Register of Deeds in Map Book 10, Page 41. Most of the existing homes along York Place were built between the years 1983-1994 with the exception of the home at 2 York Place which was built in 2012.

The applicant has submitted an application, letter of authorization from the owner, GIS Mapping information, survey with the current R-10 setbacks shown and three floor plans for review by the Zoning Board of Adjustment.

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;

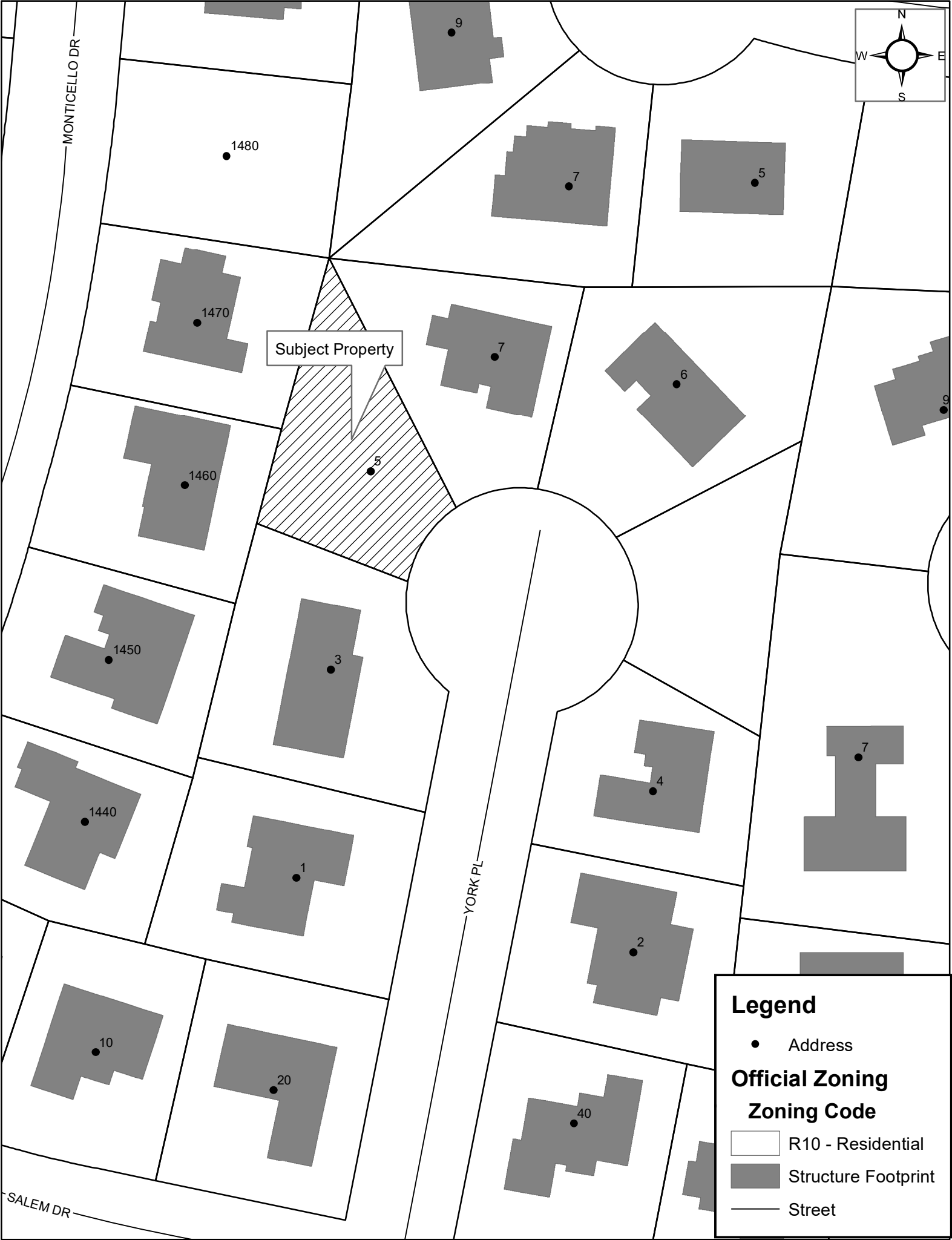
The Zoning Board of Adjustment shall not grant any variance unless there is a concurring vote of at least 4 of its 5 members.

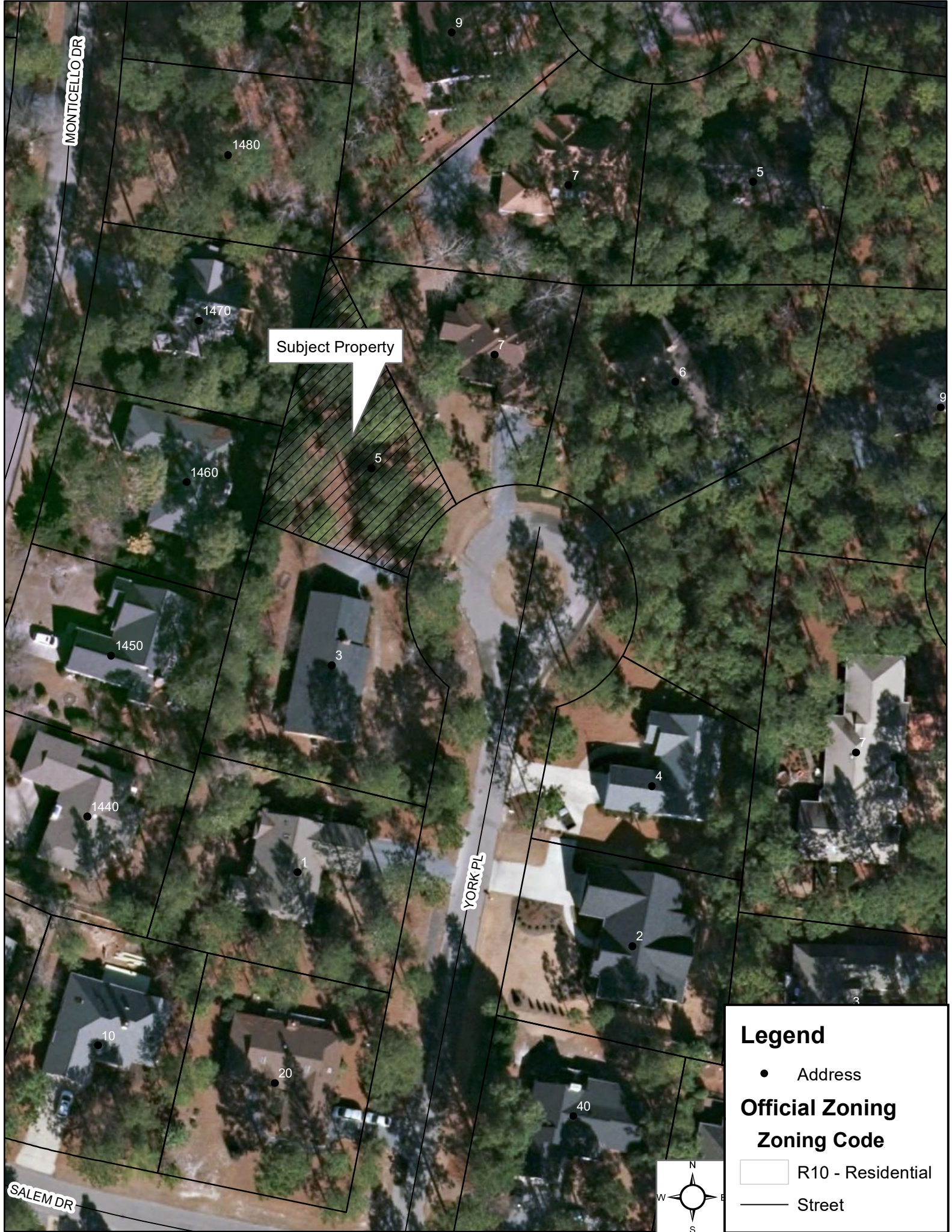
Staff does not formulate a recommendation of variance request as decisions are to be based solely on the testimony and evidence submitted at the quasi-judicial hearing.

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;





MONTICELLO DR

Subject Property

YORK PL

SALEM DR

Legend

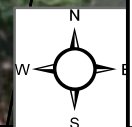
• Address

Official Zoning

Zoning Code

□ R10 - Residential

— Street





HISTORY, CHARM, AND SOUTHERN HOSPITALITY

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

VARIANCE FOR 5 YORK PLACE

July 11, 2019

**Donald and Betty Zeilstra
7 York Place
Pinehurst, NC 28374**

RE: Variance request from section 9.2a Tables of Dimensional Requirements for the property at 5 York Place, further identified by Moore County PID # 00017008. This property is located within the R-10 (High Density Residential) Zoning District. Specifically, the applicant and owners, Donald and Betty Zeilstra are requesting a variance from the 25' Rear Yard Setback to allow for a 20' Rear Yard Setback.

Dear Mr. and Mrs. Zeilstra,

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 Village of Pinehurst Zoning Board of Adjustment held a public hearing on **July 11, 2019** where the board considered all evidence submitted by the parties and voted to **approve/deny** the variance request for property at **5 York Place** with the following required findings of fact and conclusions:

- (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):

The foregoing Findings of Fact and Conclusions of Law are to be based on the Official Record in the proceeding that is made up of the official transcripts and any documentary evidence submitted within the course of the proceeding.

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__.



HISTORY, CHARM, AND SOUTHERN HOSPITALITY_____

Julia Latham
Chair of the Board of Adjustment

Ruling filed with the Village of Pinehurst:

DATE

Kelly Brown
Clerk to the Zoning Board of Adjustment

Cc: Alex Cameron
 Beth Dunn



**REVIEW AND CONSIDER NEW RULES OF PROCEDURE.
ADDITIONAL AGENDA DETAILS:**

FROM:

Alex Cameron, Senior Planner

CC:

Darryn Burich & Kelly Brown

DATE OF MEMO:

7/3/2019

MEMO DETAILS:

Attached for review and possible future consideration of the Board are draft Rules of Procedure.

ATTACHMENTS:

Description

□ Draft New Rules of Procedure

RULES OF PROCEDURE
BOARD OF ADJUSTMENT
VILLAGE OF PINEHURST, NORTH CAROLINA

I. General Rules

- A. **General Authority.** Under authority of the General Statutes of North Carolina, §160A-388, and the Pinehurst Development Ordinance (hereinafter “PDO”) of the Village of Pinehurst, North Carolina, the Village of Pinehurst Board of Adjustment (hereinafter “Board”) hereby adopts these general rules for the hearing of matters coming before it.
- B. **Specific Authority.** The Board’s specific approval authority is established in Chapter 5 of the PDO, and the Board shall neither have power to vary requirements of any other section of the PDO, nor other local laws or the General Statutes of North Carolina.

II. Officers and Duties

- A. **Chairperson** (hereinafter “Chair”). The Chair shall be appointed by the Village of Pinehurst Village Council (hereinafter “Village Council”). The Chair shall decide on all points of order and procedure, subject to the rules herein, unless directed otherwise by a majority of the Board in session at the time. The term of office for the Chair shall be as set by Village Council or until a new Chairperson is named by Village Council.
- B. **Vice Chairperson** (hereinafter “Vice Chair”). A Vice Chairperson shall be elected by the Board from among its members. The term of office for the Vice Chair shall be the same as that of the Chair. The Vice Chair shall serve as Acting Chair in the Chairperson’s absence and at such times shall have the same powers and duties as the Chair.
- C. **Secretary.** The Secretary shall be appointed by the Village Planner or his/her designee. The Secretary shall keep the minutes of every Board meeting in a permanent volume. The minutes shall show the record of all important facts pertaining to each meeting and hearing, every action taken by the Board, and all votes of members of the Board on any action on the final determination of any question. Such minutes shall indicate the names of members present and the names of members who are absent or who fail to vote. The Secretary does not act in the capacity of a Board member.

III. Board Powers and Duties

- A. **Powers.** The presiding officer (Chair or Vice Chair) shall have the following powers and duties:

1. With the Board's informal consent, to append the meeting's agenda;
2. To rule motions in or out of order, including any motion patently offered for obstructive or dilatory purposes;
3. To determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground;
4. To entertain and answer questions of parliamentary law or procedure;
5. To call a brief recess at any time;
6. To continue a meeting to a future date and;
7. To adjourn in an emergency.

IV. Members

A. **Source of Board Members.** Members of the Board shall be drawn from the Village of Pinehurst's Planning and Zoning Board. Membership shall include five named permanent members; the remaining Planning and Zoning members shall serve as alternates.

B. **Board Member Responsibilities.** Members of the Board shall have the following duties and responsibilities:

1. Those duties and responsibilities outlined in the General Statutes of North Carolina, §160A-388;
2. Other such duties as assigned by the Chair.

C. **Board Member Conduct.**

1. Members of the Board may be removed for cause, which shall be defined as dishonorable conduct that has compromised the integrity of the Board.
2. No Board member shall take part in the hearing, consideration, or determination of any case in which he/she is personally or financially interested.
3. No Board member shall vote on any matter deciding an application or appeal unless he/she shall have attended the public hearing on that application or appeal. If a matter is continued to a subsequent date following a public hearing, a Board member who was not present at the public hearing may vote on the matter only if the member has reviewed the minutes of the proceeding/hearing.

4. Members of the Board will not express individual opinions on the proper judgment of any case with any parties thereto prior to its determination of that case. Violation of this rule shall be cause for dismissal from the Board.

V. Meetings

- A. **Organization Meeting**. The regularly scheduled December meeting of the Planning and Zoning Board will serve as the annual organization meeting for the Board of Adjustment. At such meeting a Vice Chair shall be nominated and elected by the Members. In addition, any other governance/protocol matters will be reviewed and decided upon by the Members.
- B. **Special Meetings**. Special meetings of the Board may be called at any time by the Chairperson. At least 48 hours notice of the time and place of special meetings shall be given by either the Secretary or the Chair to each member of the Board and to anyone who is required to receive notice.
- C. **Quorum**. A quorum shall consist of three Members of the Board at least one of whom should be Chair or Vice Chair. All matters or appeals shall be decided by majority vote of the Members. A concurring vote of four Members of the Board present at the hearing of a particular case shall be necessary to grant a variance.
- D. **Conduct of Meetings**. All meetings shall be open to the public, subject to the provisions of North Carolina General Statutes, § 143-318.11 pertaining to closed sessions of public bodies. The order of business at regular meetings shall be as follows: (a) consideration and approval of Board minutes (b) hearing of cases, beginning first with any unfinished business before moving to new business; and (c) any other matters properly brought before the Board.
- E. **Time and Place**. Regular meetings will be held on the first Thursday of each month at 4:30PM or following the Planning and Zoning Board meeting. Meeting location will be in the VOP Assembly Hall.

VI. Appeals and Applications

A. **Procedure for Filing Applications**.

1. All applications for hearing shall be filed with the Planning and Inspections Department, which shall act as Secretary for the Board in receiving this notice. All applications shall be made upon the form furnished for that purpose, and all required information shall be provided thereon before an appeal or any application shall be considered as having been filed.
2. Any person with standing may appeal any order or act of the Zoning Administrator or an administrative official pertaining to enforcement of the PDO. Any such appeal of an administrative decision shall be filed with the Village Clerk.

3. No appeal shall be heard by the Board unless notice thereof is filed within 30 days after the interested party or parties receive notice of the order, requirement, decision or determination by an administrative official.
4. No application shall be considered by the Board unless a completed application is received in accordance with Chapter 5 of the PDO.

B. **Fees.** No application or notice of appeal shall be considered as having been completed until there has been paid to the Village of Pinehurst a filing fee to cover the cost of providing notice and such further investigation or verification of the application as is necessary.

C. **Hearings.**

1. **Time.** After receipt by the appropriate Village official of the completed notice of appeal or application, the Clerk to the Board shall schedule the time for a hearing, which shall be either at the next regularly scheduled meeting or at a special meeting.
2. **Notice.** The Board shall give public notice of the hearings by all of the following means:
 - a) By publishing or advertising notice to the parties of the action at least 10 days but no more than 25 days prior to the hearing.
 - b) By making an attempt to notify by mail all property owners of parcels of land abutting the parcel of land that is the subject of the hearing and to any other persons entitled to receive notice under the PDO.
 - c) By posting notice of the hearing at a prominent place or places on the property which is the subject of the action at least 10 days prior to the hearing.

All such notices shall state the location of the building or lot, the general nature of the question involved, and the time and place of the hearing.

3. **Conduct of Hearing.** Any party with standing may appear in person or by attorney at the hearing. The order of business for each hearing shall be as follows:
 - a) The Chair shall direct and shall call the case as advertised on the official agenda.
 - b) A member of the Village of Pinehurst Planning and Inspections Department shall make a statement regarding the manner in which the application relates to the PDO.

- c) Either the applicant or the applicant's attorney shall present the arguments in support of his/her case or application.
 - d) Either persons with standing opposed to granting the application or their attorneys shall present the argument against the application.
 - e) Both sides will be permitted to present rebuttals to opposing testimony, at the discretion of the Chair.
 - f) Witnesses may be called and competent evidence may be submitted.
 - g) Any presentation on behalf of either an applicant or a party with standing who are not natural persons must be made by an attorney.
4. Postponement. Requests for postponing or continuing the hearing for good cause on a particular appeal or application may be made either to the Chair or to the Board.
5. Withdrawal. An application or appeal will be considered to have been withdrawn under the following circumstances: (a) The applicant submits a written request to withdraw the application or appeal; (b) The property owner, if different than the applicant, submits a notarized request to withdraw the application or appeal; (c) The Board requests the applicant to furnish additional information within a specified period of time, and such information is not furnished by the applicant within the time period allowed; (d) Without prior notification to the Chair, applicant does not appear at the scheduled hearing to testify regarding the merits of the application; or (e) The applicant appears at the scheduled hearing and requests that the application be withdrawn. The Chairperson has authority to determine whether an application or appeal has been withdrawn or may be considered withdrawn.
6. Rehearing. A Motion for a Rehearing may be made by the applicant or any party with standing by filing the appropriate application form with the Planning and Inspections Department within 10 days after the Board votes on the Application and announces its decision in the original case. Only one Motion for Rehearing may be filed for any case.

Upon receipt of a Motion for a Rehearing in proper form, the Secretary will schedule the Motion for consideration by the Board at its next regularly scheduled meeting after proper advertising in accordance with these rules and the PDO. Evidence presented on a Motion for Rehearing shall be limited to only new evidence that was not submitted to the Board during the hearing of the original application. Such evidence may include evidence of changes in circumstances or conditions since the hearing on the original application.

At the conclusion of the presentation of the evidence, the Board will determine whether to grant the rehearing. If the rehearing is granted, the rehearing will ordinarily be held at the same meeting at which the Motion is considered, although the Board may set the rehearing at a later scheduled meeting.

7. Refiling. Except as provided in Section VI.C.6 herein, once the Board has made its decision in a case, any applicant shall be prohibited from submitting the same request for the subject property for a period of one year from the date of the previous application.
8. Review. A review proceeding will be scheduled when a review proceeding is made a condition of the issuance of a variance.
9. Appeals. An appeal from a decision by the Board of Adjustment must be made to the Superior Court of Moore County within 30 days of the decision, and in accordance with the General Statutes of North Carolina, §160A-388.

D. Decisions.

1. Time. Decisions by the Board shall be made as soon as practicable after the hearing. The Board will ordinarily vote on the application and announce its decision at the same meeting at which the hearing takes place. The final decision of the Board is made when the decision is entered in the minutes of the Board and such minutes are approved.
2. Form. Written notice of the decision in a case shall be given to the applicant in accordance with the notification requirements in section Chapter 5 of the PDO after the minutes setting out the Board's final decision are approved. The record shall show the reasons for the decision with a summary of the evidence introduced in the findings of facts made by the Board.
 - a) Variances. Where a variance is granted, the record shall state any unnecessary hardship upon which the variance request was based and which the Board finds to exist. The record shall state what, if any, conditions and safeguards are imposed by the Board in connection with a granting of a variance.
 - b) Interpretations. The decision may reverse or affirm wholly or partly or modify the order, requirements, decision, or determination being appealed.

VII. AMENDMENTS

These rules may, within the limits allowed by law, be amended at any time by an affirmative vote of not less than a simple majority of the Board, provided that such amendment be presented in writing at a regular or special meeting before the meeting at which the vote is taken. All such amendments must be reviewed by the Attorney of the Village of Pinehurst prior to their taking effect.

ADOPTED this the _____ day of _____, 20__

VILLAGE OF PINEHURST BOARD OF ADJUSTMENT

, Chairman

, Director, Planning and Inspections