



Board of Adjustment  
October 5, 2017  
Assembly Hall  
395 Magnolia Road  
Pinehurst, North Carolina  
5:00 PM

## **MINUTES**

### **Board Members in Attendance:**

Fred Engelfried, Chair  
Leo Santowasso, BOA Member  
Julia Latham, ETJ BOA Member  
David Kelley, BOA Member  
Mike Marsh, BOA Member

### **Alternate Board Members in Attendance:**

Jeff Haarlow, Alternate BOA Member  
Cyndie Burnett, Alternate BOA Member  
Myles Larsen, Alternate BOA Member

### **Board Member Absent:**

Kevin Drum, BOA Member

### **Staff in Attendance:**

Bruce Gould, Principal Planner  
Angel Smith, Code Enforcement Officer  
Gwendy Hutchinson, Planning and Administrative Assistant

### **Attorneys in Attendance:**

Michael Newman, Attorney, Village of Pinehurst  
S. Kent Smith, Attorney, for the Applicants

### **Court Reporter in Attendance:**

Sandra DeGarmo Wise, Starkings Court Reporting & Video Services

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**I. Call to Order**

*Chairman Fred Engelfried confirmed that there was a quorum present and called the meeting to Order.*

*Chair Engelfried specified that the following permanent Board Members will be participating in this meeting: Leo Santowasso, Julia Latham, David Kelley, Mike Marsh and Fred Engelfried.*

**II. Approval of Minutes**

**A. September 7, 2017**

*David Kelley made a motion to approve the September 7, 2017 Minutes; Leo Santowasso seconded the motion, which was unanimously approved.*

**B. Sworn in:**

*Bruce Gould, Principal Planner; Angel Smith, Code Enforcement Officer; Alan Casavant, Builder (previous owner of Theo's); Elias & Helen Dalitsouris, Applicants and Owners were sworn in.*

*Chair Engelfried asked the permanent members if they have had any ex parte conversations about this case that is before us or any financial interest in its outcome. The permanent members replied that they had not.*

**C. Recess Regular Meeting**

*Leo Santowasso made a motion to recess the regular meeting and enter into the Public Hearing; David Kelley seconded the motion, which was unanimously approved.*

*Chairman Engelfried read the public hearing notice into the record.*

**D. Public Hearing**

- A.** To receive evidence on the appeal from an action and decision of the Director of Planning and Inspections to the Board of Adjustment, regarding an application made by Kent Smith, Attorney for the owners, Elias & Helen Dalitsouris. Specifically, this request is seeking a determination from the Board of Adjustment regarding the decision of Planning and Inspections Director in applying the regulatory provisions of section 9.7.1.4 (B) & (D) Freestanding Sign. This appeal is regarding an A-Frame Sign for Theo's Taverna located at 38 Chinquapin Rd. This property is also defined as Moore County PID# 00030476.

*S. Kent Smith, Attorney and Michael Newman, Attorney presented their cases to the Board.*

*Alan Casavant, Builder (previous owner of Theo's) and Elias & Helen Dalitsouris, Applicants and Owners of Theo's, responded to questions and comments from both Attorneys and discussed the A-Frame Sign and its current location with the Board.*

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*Bruce Gould, Principal Planner responded to questions and or comments from both Attorneys.*

*S. Kent Smith, Attorney and Michael Newman, Attorney made their closing arguments.*

*Chair Engelfried informed the Board that there are several things to consider; 1) it will take (4) four votes; 2) our responsibility is to make decisions based on competent material and substantial evidence and requires us to be very thoughtful as we consider on what we heard. Chair Engelfried stated that the Board has choices. We can come back and talk about it; we can continue the meeting and talk about it; or we can talk about it now and make a decision.*

*To clarify voting by the Board, Chair Engelfried referred to the Pinehurst Development Ordinance Section 6.2.5 Action by the Zoning Board of Adjustment (e) The Zoning Board of Adjustment shall not reverse or modify the contested action unless there is a concurring vote of at least 4 or its 5 members.*

*Bruce Gould, Principal Planner responded to questions and or comments from Board members.*

**E. Close Public Hearing**

*Leo Santowasso made a motion to close the Public Hearing and re-enter into the regular meeting; David Kelley seconded the motion, which was unanimously approved.*

*After discussion, Leo Santowasso made a motion that the Board should uphold the decision by Village Staff that the sign is in fact, in violation and that a breezeway is not the main entrance into a structure; Fred Engelfried seconded the motion.*

**Poll the Board:**

|                 |     |
|-----------------|-----|
| Mike Marsh      | Yes |
| David Kelley    | No  |
| Julia Latham    | Yes |
| Leo Santowasso  | Yes |
| Fred Engelfried | Yes |

*The Board voted 4-1 to uphold the decision of Village Staff that the sign is in violation and that a breezeway is not the main entrance into a structure.*

*(Verbatim transcript of this meeting, prepared by Sandra DeGarmo Wise, Starkings Court Reporting and Video Services is available through the Planning Department.)*

**F. New Business**

*Chairman Engelfried made a motion to appoint Julia Latham as Vice-Chair of the Board of Adjustment; Leo Santowasso seconded the motion, which was unanimously approved.*

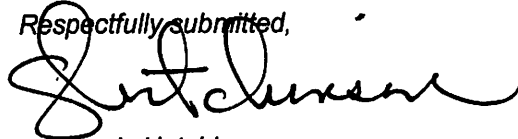
**G. Next Meeting Date**

**H. November 2, 2017**

**I. Adjourn**

*With no further discussion, David Kelley made a motion to adjourn. Leo Santowasso seconded the motion, which was unanimously approved.*

Respectfully submitted,

A handwritten signature in black ink, appearing to read "G. Hutchinson", written in a cursive style.

Gwendy Hutchinson  
Planning and Administrative Assistant  
Village of Pinehurst