



**BOARD OF ADJUSTMENT
SEPTEMBER 7, 2023
ASSEMBLY HALL**

PINEHURST, NORTH CAROLINA

- I. Call to Order
- II. Approval of Minutes
 - A. 06-01-2023 Regular Meeting Minutes
- III. Public Hearing
 - A. Variance Request for 115 Baltusrol Lane (PLN-2023-00261)
The purpose of the public hearing is to receive testimony for a variance request from PDO Section 9.13 Fences, Walls and Columns and Section 9.2a Table of Dimensional Requirements for a proposed fence at the property addressed as 115 Baltusrol Lane, further identified as Parcel ID #00019443.
- IV. Next Meeting Date
 - A. 10-05-2023 Regular Meeting (If the Board has business to conduct)
- V. 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.



**06-01-2023 REGULAR MEETING MINUTES
ADDITIONAL AGENDA DETAILS:**

FROM:

Shannon Konstantinou

CC:

Alex Cameron; Pam Graham; Michael Mandeville; Maria Carpenter

DATE OF MEMO:

8/28/2023

MEMO DETAILS:

Attached is a draft copy of the 06-01-2023 Regular Meeting minutes for your review.

ATTACHMENTS:

Description

📎 06-01-2023 Regular Meeting Minutes



**BOARD OF ADJUSTMENT
REGULAR MEETING**

THURSDAY, JUNE 01ST, 2023

ASSEMBLY HALL

395 MAGNOLIA ROAD

PINEHURST, NORTH CAROLINA

04:00 PM or IMMEDIATELY FOLLOWING THE P&Z MEETING

Board Members Present:

Jack Farrell, Vice Chair
Julia Latham
Jeremy Hooper
Paul Roberts
Matt Jones
Bruce Hironimus, Alternate

Board Members Absent:

Sonja Rothstein, Alternate
Louise Mercuro, Alternate

Staff Present:

Alex Cameron, Planning Director
Maria Carpenter, Planner
Kelly Brown, Planning & Zoning
Specialist
Shannon Konstantinou, Clerk to the Board
Josh Dockery, IT Technician
Paul Connors, IT Technician

Approximately 6 member(s) of the public in attendance.

I. Call to Order

Mr. Farrell called the June 01st, 2023 Regular Meeting to order at 04:10 PM.

II. New Business

a. Board Organizational Items

i. Appointment of Regular / Primary Members

Mr. Hooper moved to appoint Mr. Matt Jones and Mr. Paul Roberts as regular / primary members of the Board of Adjustment. Seconded by Ms. Latham. Approved by a vote of 3-0.

The Board and Staff discussed the need to consider a replacement for Ms. Latham during a future meeting as Ms. Latham's term on the Board will be expiring at the end of July 2023, the need for Ms. Latham's replacement to be a resident from the Pinehurst Extraterritorial Jurisdiction (ETJ), and asked that anyone present or watching the livestream who is interested in being the ETJ representative to replace Ms. Latham to, please, apply and let their interest be known.

III. Approval of Minutes

a. 01-05-2023 Regular Meeting Minutes

Mr. Hooper moved to approve the minutes of the January 05th, 2023 Regular Meeting. Seconded by Mr. Jones. Approved by a vote of 5-0.

Mr. Farrell gave a brief introduction to the procedures and requirements of a Public Hearing.

IV. Public Hearing

Mr. Hooper moved to recess the Regular Meeting and enter into the Public Hearing. Seconded by Mr. Roberts. Approved by a vote of 5-0.

Ms. Carpenter was sworn into the Public Hearing and testified as follows.

Mr. Hooper disclosed a personal relationship with the Applicant but stated this personal relationship would not affect his ability to make an impartial decision. The Board did not have any objection to Mr. Hooper retaining his seat on the Board for the Public Hearing.

All Board members stated they had visited the site but did not have any ex parte communication.

a. PLN-2023-00194 (185 Canter Ln. Variance Request)

The purpose of the public hearing is to receive testimony for a variance request from Section 9.13 Fences, Walls and Columns as it relates to a retaining wall at the property addressed as 185 Canter Lane further identified as parcel ID# 00018577.

Ms. Carpenter discussed the proposed work and submitted into evidence the Staff Report with attachments / exhibits, Presentation, and Application and Applicant's materials / exhibits. Mr. Farrell accepted the materials submitted by Ms. Carpenter into evidence.

The Board and Ms. Carpenter discussed the Applicant choosing not to build into the wetlands despite wetland development being permitted on the lot (the community was planned and subdivided prior to the current wetland development regulations), the variance request being submitted after the construction of the retaining wall was completed, the post-completion variance request being similar to a prior variance request in the No. 6 neighborhood and the need to evaluate each case separately, the construction of the retaining wall being discovered during an inspection (which is when the engineer drawings / plans were requested and a request to stop work was made), the plans dated July 2022 showing a retaining wall was contemplated for the site due to the topography but the encroachment of the retaining wall into the setback was not depicted, the date the inspector initially discovered the construction of the retaining wall being January 2022 and the July 2022 plan being created after the construction of the retaining wall was discovered, and the need to get clarification from the Applicant when the construction of the retaining wall began and whether the retaining wall was initially planned or added to the plan at a later date.

Mr. Derek Simmons and Mr. Archie Simmons were sworn into the Public Hearing.

Mr. Derek Simmons and Mr. Archie Simmons stated, during the process of building the house, it was found a retaining wall would be needed due to the slope of the lot

prohibiting plateauing; the retaining wall was constructed to help prevent erosion; there was an initial failure to get permission to build the retaining wall ahead of time, but, after speaking with the Inspector, the guidelines provided have been followed; the length of time between the initial discovery of the retaining wall by the Inspector and the submission of the requested documents and the variance application being due to the excessive wait time for engineers to draft the plans; completion of the development only being 2-3 weeks' worth of work; and the concern is not with the work matching the renderings at this time but with the integrity of the retaining wall and compliance with the requested variance.

The Board, Mr. Derek Simmons, Mr. Archie Simmons, and Ms. Carpenter discussed Mr. Derek Simmons decision not to encroach on the wetlands in order to develop the lot being based on his desire to develop the lot the right way the first time to avoid any potential structural issues or issues with wetland protection legislation, the placement of the structure being as much to the front of the lot being to keep the structure as high and out of the water table as possible, drain lines having been installed underneath the entire structure, potential problems with settling / sliding of the structure had the structure been built any further back on the lot, the potential settling / sliding of the structure that would occur had the structure been placed further back on the lot being discovered as the clearing and grading of the lot began for development and the topography of the lot became clearer (not wetlands in general), the finished floor height of the structure being at 90' as depicted in the 2021 submission, the site layout as originally planned varying from what was built being due to the need to add retaining walls as development was being done and the existing retaining walls having been placed on the submitted lot plan by the surveyor, the plan to infill and landscape in front of the retaining wall to soften the look of the retaining wall, the need to bring in almost 6 times the normal amount of fill dirt in order to develop the lot (normal lot requires about 4 loads, this lot will require about 24 loads once fully completed), the remaining lots available for development being infill lots and difficult to develop without some type of engineering, the driveway needing to be constructed of concrete in order to prevent washout of the driveway should it be constructed of gravel instead, additional measures to help mitigate water issues on the property consisting of foundation drains / rubberized coating / check dams / swales / grading / landscaping, the design of the structure being based on Mr. Derek Simmons' grandmother's home, the choice to locate the garage underneath the main living level of the structure being made to keep the front façade of the structure open and to help create usable living space, placing a front facing garage on the structure requiring an additional 10-15 truckloads of fill and eliminating any type of backyard space, the plans as originally submitted to the Village in order to obtain a permit not containing a retaining wall, the lot on the left side of the property in question having had significant / severe wetlands issues that had to be corrected and the lot on the right side of the property not having as severe a slope to the lot as the property in question, the placement of the entry door to the left side of the front façade prevents sloping down to the driveway (only 13 feet from the front entry door to the end of the structure to slope down between 10-12 feet), the

realization a retaining wall over 3' would be needed was made in April after the foundation walls began to be constructed, the height of the retaining wall varying from 12" closest to the front of the property to 9' closest to the rear of the property, the height of the retaining wall being measured after backfill is completed, the materials of the retaining wall consisting of block topped by stone caps and faced with stone, various options to reduce the height of the retaining wall with additional grading or raised beds with landscaping, the topography of the lot requiring the use of retaining walls in general not just for the design of the structure, Mr. Derek Simmons having close to 15 years of construction experience, and the lots available for development within the Village being less desirable lots.

Mr. Farrell asked if there was any member of the audience wishing to provide testimony either in favor or against the requested variance.

Ms. Sheryl Robinson was sworn into the Public Hearing.

Ms. Robinson, 195 Canter Ln., expressed concern over additional storm water runoff onto her property caused by the development and infill, reviewed precautions taken when developing her lot so any additional runoff was directed away from adjacent properties, asked that the Village take measures to prevent erosion to adjacent properties when development is proposed, expressed concerns over erosion already occurring due to the development, asked whether landscaping can be used to help control erosion and the impact of additional runoff, and expressed concern over sediment from the site running into the creek due to a breakdown of the silt fence in several locations (the creek is part of the Cape Fear River Basin).

Mr. Farrell asked Ms. Robinson if the retaining wall that was built on the opposite side of the site to her property is affecting her property in any way. Ms. Robinson stated no, and that she had actually hoped Mr. Derek Simmons was coming before the Board to ask permission to build retaining walls along all 3 sides of the property. Ms. Robinson further stated her property consists of two lots and is fairly protected but she would have purchased the property at 185 Canter Ln. if she had known it was for sale to prevent development of the lot.

Mr. Farrell asked if there were any other members of the audience who wished to provide testimony. None came forward.

Mr. Simmons stated a swale will be built on the right side of the property to direct the water down towards the creek in addition to further landscaping being done.

The Board, Mr. Derek Simmons, Mr. Archie Simmons, and Ms. Carpenter discussed the grading / slope from 185 Canter Ln. to 195 Canter Ln. not being significantly different and very little changes will be made to the grading / slope during completion of the development (only the final grade and erosion control is

left to be done), and runoff mitigation efforts (swales, rip rap, etc.) being used instead of a catch basin and to create a dry stream to direct water to the creek.

Mr. Farrell reviewed the Standards for granting a variance the Board must follow when making a consideration on the request for 185 Canter Ln.

Mr. Cameron provided guidance to the Board regarding making a motion on the requested variance, and what conditions the Board may impose upon the Applicant as part of the motion.

The Board discussed what options the Applicant would have should the variance request be denied, the need for builders considering similar lots to take note of the fact that they need to seek permission to construct retaining walls prior to construction being done, and debated what, if any, design modifications could be made to eliminate the need for a retaining wall that exceeds the allowable height.

Mr. Alex Cameron was sworn into the Public Hearing.

The Board, Mr. Derek Simmons, and Mr. Cameron discussed a railing or screen being needed at the top of the retaining wall to meet building code, and various options to help reduce the grade difference around the retaining wall and soften the appearance of the retaining wall that encroaches into the setback.

The Board debated whether continuing the hearing to the next Regular Meeting in July 2023 in order to allow the Applicant time to research and provide alternative solutions to the retaining wall variance request would be beneficial, and what would be required of the Applicant if a new or additional retaining wall was to be constructed.

The Board deliberated on making a motion and what, if any, conditions to include in the motion.

Mr. Jones moved the Board of Adjustment approve with conditions the variance request for 185 Canter Ln. AND adopt the following Findings of Fact:

- A. Unnecessary hardship would result from the strict application of the ordinance because the house has already been constructed.***
- B. The hardship results from conditions that are peculiar to the property because of the proximity to wetlands and stream, and significant elevation changes across the property.***
- C. The hardship did not result from actions taken by the applicant or the property owner because of the topography of the lot and presence of wetlands and stream.***

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 because it provides for consistent design and appearance.

Conditions (if imposed by the Board and must be reasonably related to the request): The retaining wall may not exceed 54" in height for a distance not encroaching more than 10' into the front yard setback.

Ms. Latham asked for an amendment to Mr. Jones' motion to strike from item A the hardship being due to the house already having been constructed and replace this reason with the hardship being due to the topography / slope / placement of the wetlands impacting the buildability of the lot.

Motion amended to read as follows for item A:

A. Unnecessary hardship would result from the strict application of the ordinance due to the topography, wetlands, and characteristics of the land.

Seconded by Mr. Hooper. Approved by a vote of 5-0.

Mr. Hooper moved to adjourn the Public Hearing and re-enter the Regular Meeting. Seconded by Mr. Roberts. Approved by a vote of 5-0.

V. Next Meeting Date

a. 07-06-2023 Regular Meeting (If Board Has Business to Conduct)

VI. Motion to Adjourn

Mr. Roberts moved to adjourn the Regular Meeting. Seconded by Mr. Hooper. Approved by a vote of 5-0 at 06:02 PM.

Respectfully Submitted,

Shannon Konstantinou
Clerk to the Board &
Planning Administrative Specialist
Village of Pinehurst

A videotape of this meeting is located on the Village website: www.vopnc.org.

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

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VARIANCE REQUEST FOR 115 BALTUSROL LANE (PLN-2023-00261)

ADDITIONAL AGENDA DETAILS:

The purpose of the public hearing is to receive testimony for a variance request from PDO Section 9.13 Fences, Walls and Columns and Section 9.2a Table of Dimensional Requirements for a proposed fence at the property addressed as 115 Baltusrol Lane, further identified as Parcel ID #00019443.

FROM:

Pamela Graham

CC:

Alex Cameron; Michael Mandeville; Maria Carpenter

DATE OF MEMO:

8/25/2023

MEMO DETAILS:

Please see attached materials relating to this item.

ATTACHMENTS:

Description

- ☐ Staff Exhibits S-1 through S-5
- ☐ Applicant Exhibits A-1 through A-3



PLANNING AND INSPECTIONS DEPARTMENT STAFF REPORT

To: Zoning Board of Adjustment
From: Pamela Graham, Planning Supervisor
CC: Alex Cameron, Planning and Inspections Director
 Michael Mandeville, Senior Planner
 Maria Carpenter, Planner
 Shannon Konstantinou, Administrative Specialist
Date: August 25, 2023
Subject: **Variance Request for 115 Baltusrol Lane**

Applicant:	Anne Steele Kochevar
Owners:	Brooke Kochevar and Kyle Maher
Property Location:	115 Baltusrol Lane
Parcel Size:	12,632 square feet or +/- 0.29 acres
PID#	00019443
Zoning:	R-10 (High Density Residential)
Golf Course Setback:	30 Feet (fence)
Proposed Setback:	1 Foot
Land Use:	Single Family Residential

Request and Background:

This request is to vary the 30' minimum golf course setback from the property line in the R-10 Zoning District to allow for a 1' golf course setback on the subject property's north side lot line, which directly abuts the golf course. The intent of the requested change is to allow for the installation of a fence four feet in height within the golf course setback. The 30' minimum golf course setback applies to the north side property line due to the fact that the golf course borders this lot line, as shown in the attached exhibit provided by the applicant.

The subject lot (199) was created as part of the subdivision titled *Phase 1 Unit 6 Page 3 of 3* by Pinehurst, Inc. in March of 1972 as indicated on Map Book 9 Page 59 (attached) on file with the Moore County Register of Deeds. Records from the Moore County Tax Department and Register of Deeds indicate that the home was built in 1978 and the property was acquired by the current owner in July of 2023.

The property is approximately 12,632 square feet in area or just over a quarter acre in size which complies with the 10,000 square foot minimum lot size requirement for the R-10 Zoning District. An existing single-family home is located on the property. Single family dwellings are located to the south and west (rear) of the subject property.

The entirety of the north-facing side of the subject property borders a portion of Pinehurst Resort Course No. 5 that includes the 7th hole tee box. Some screening in the form of evergreen shrubs exists between the tee and the rear corner of the yard that is the subject of this request.

An exhibit has been provided by the applicant based on a property survey, showing the area that is subject to this request in the northwest corner of the property.

Along with this report and attachments, Staff has included the following exhibits for review and consideration of the Board:

- Exhibit S-2 – Original Subdivision Plat for Phase 1 Unit 6, with Lot 199 Indicated
- Exhibit S-3 – Deed of Ownership
- Exhibit S-4 – Vicinity Zoning Map
- Exhibit S-5 – Aerial Image

The applicant has submitted the following labeled exhibits for review and consideration by the Zoning Board of Adjustment:

- Exhibit A-1 – Application for Variance
- Exhibit A-2 – Property Survey with Proposed Fence Indicated

Variance and Evidentiary Hearing Process:

The Variance Process is intended to provide relief from the zoning requirements of the Pinehurst Development Ordinance (PDO) only 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, unreasonable or impossible to use because of some unique attribute or aspect of the property itself, or some other factor unique to the property for which the variance is requested.

Requests for variances are quasi-judicial decisions of the Board, and therefore, require an evidentiary hearing. These decisions are quasi-judicial due to the fact the Board exercises judgement and discretion in applying the standards for review. The purpose of evidentiary hearings is to gather competent, relevant, factual evidence on the application and not solicit broad public opinion. The Chair is responsible for calling witnesses, swearing in all wishing to provide testimony, following established procedures, ensuring that witnesses present relevant evidence only, and limiting repetitious testimony. Typically, staff acts as the initial witness and, after being sworn in, will present basic information and background on the request as well as enter staff exhibits into the record. Staff does not make a case or argument for or against the application. The applicant and other witnesses will be sworn in and can provide factual testimony on the application to the Board. Board Members listen and ask relevant questions, assess the credibility of all testimony, remain impartial, and vote on the case. At the conclusion of the hearing, the Board shall make its decision based on the competent, material, and substantial evidence while adopting findings of fact with all standards of review.

Standards of Review

North Carolina General Statute 160D-705 and Section 5.1.5 of the PDO set forth the standards of review the Boards of Adjustment's must review when considering applications for variances. These are the only standards the Board shall consider when making a decision on variance requests. The Board shall not grant a variance unless and until it makes findings on if all of the following standards have been met:

- (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. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability;
- (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.

Action by the Zoning Board of Adjustment:

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) Grant the requested variance;
- (4) Deny the requested variance;
- (5) Grant the requested variance with conditions. The 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 made by motion, accompanied by findings of fact that the variance meets or does not meet each of the Standards of Review, 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 a variance request as decisions are to be based solely on the testimony and evidence submitted at the quasi-judicial hearing. This report along with its attachments and material submitted by the applicant shall also be included as submitted evidence and made part of the record.



HISTORY, CHARM, AND SOUTHERN HOSPITALITY

NOTICE OF PUBLIC HEARING VILLAGE OF PINEHURST

August 23, 2023

Dear Property Owner:

The Village of Pinehurst Board of Adjustment (BOA) will hold a Public Hearing on Thursday, September 7, 2023 at 4:30 PM, or immediately following the Planning & Zoning Board Meeting, in Village Assembly Hall 395 Magnolia Road, Pinehurst, NC. The meeting will be streamed in real-time on the Village's website, at <https://www.vopnc.org/our-government/live-stream>, for public viewing/listening and video-recorded for future reference.

The purpose of the public hearing is to receive testimony for a variance request from Pinehurst Development Ordinance Section 9.13 Fences, Walls and Columns, Subsection (B)(1), for the property addressed as 115 Baltusrol Lane, further identified by Moore County PID # 00019443. This property is located within the R-10 (High Density Residential) Zoning District. Specifically, the owners Daniel and Anne Kochevar are requesting a variance from the limitation for the golf course setback requirements for fences.

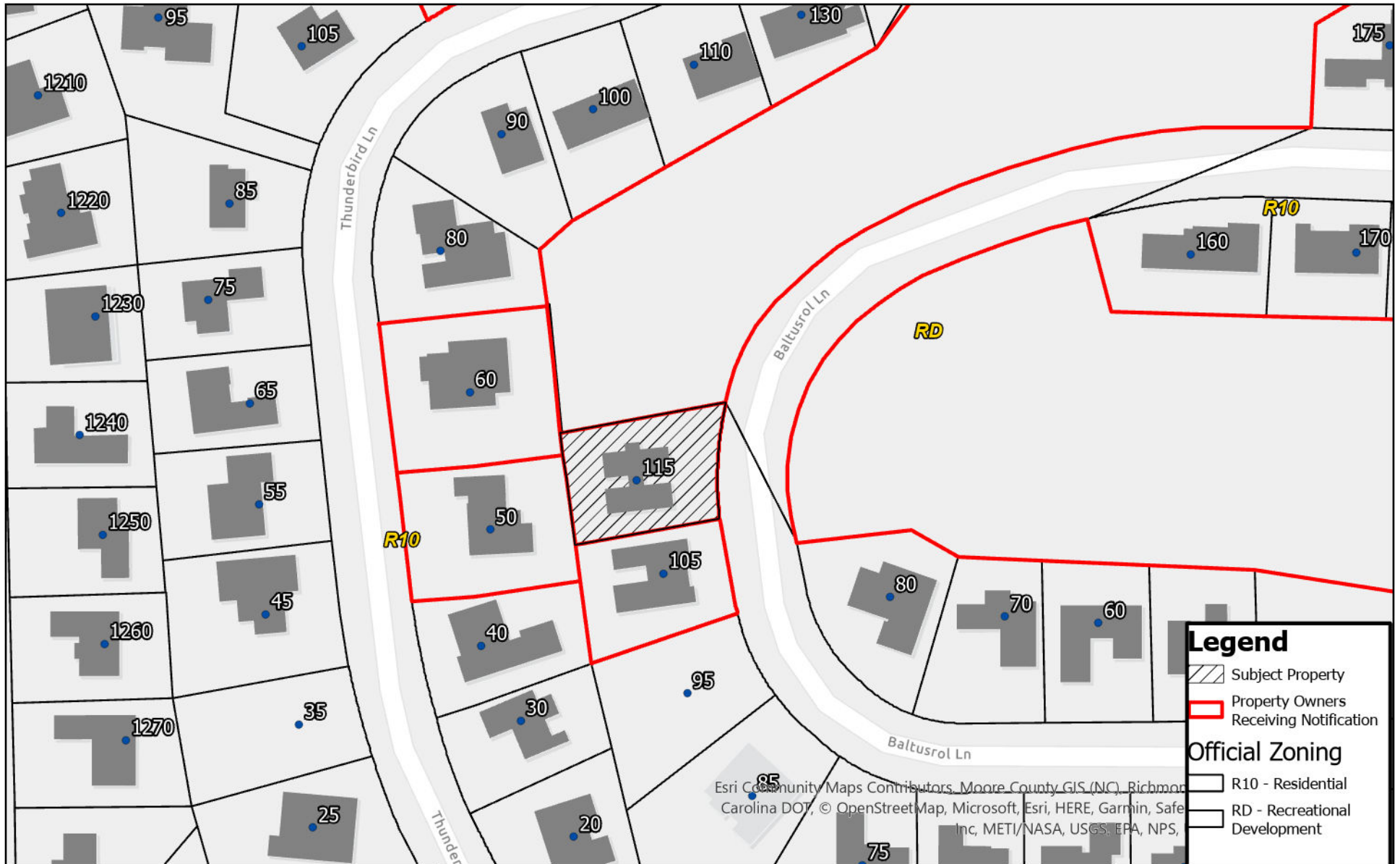
As the owner of said property, an adjacent property owner, or as the applicant; you are receiving formal notification of this Public Hearing. Information on this request is available for public review at the Planning and Inspections Department, Village Hall, 395 Magnolia Road, Pinehurst, North Carolina, Monday through Friday from 8:30 AM to 5:00 PM with the exception of holidays. Information on this request will also be made available the week of the meeting on the Village of Pinehurst's Novus Agenda website at <https://pinehurst.novusagenda.com/agendapublic/>.

The applicant, the local government, and any person who would have standing to appeal the decision under PDO Section 4.1.3 shall have the right to participate as a party at the evidentiary hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the board. All persons wishing to participate will be required to provide sworn testimony during the public hearing limited to presenting factual evidence on the request and testimony be made a matter of record.

For more information, please call (910) 295- 2581.

Public Hearing Notification

Exhibit S-1.6



Legend

- Subject Property
- Property Owners Receiving Notification

Official Zoning

- R10 - Residential
- RD - Recreational Development

Esri Community Maps Contributors, Moore County GIS (NC), Richmond
Carolina DOT, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, Safe
Inc, METI/NASA, USGS, EPA, NPS,

0 145 290 Feet

Village of Pinehurst Disclaimer: It is understood that the data contained herein is subject to constant change and that its accuracy cannot be guaranteed. The maps have been created from information provided by various government and private sources at various levels of accuracy. The data is provided to you "as is" with no warranty, representation or guaranty as to the content, sequence, accuracy, timeliness or completeness of any of the information provided herein. It is the responsibility of the user of the data to be aware of the data's limitations and to utilize the data in an appropriate manner. Any resale of this data is strictly prohibited in accordance with North Carolina General Statutes 132-10. Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).

September 7, 2023
Historic Preservation Commission
115 Baltusrol Lane Major COA Request



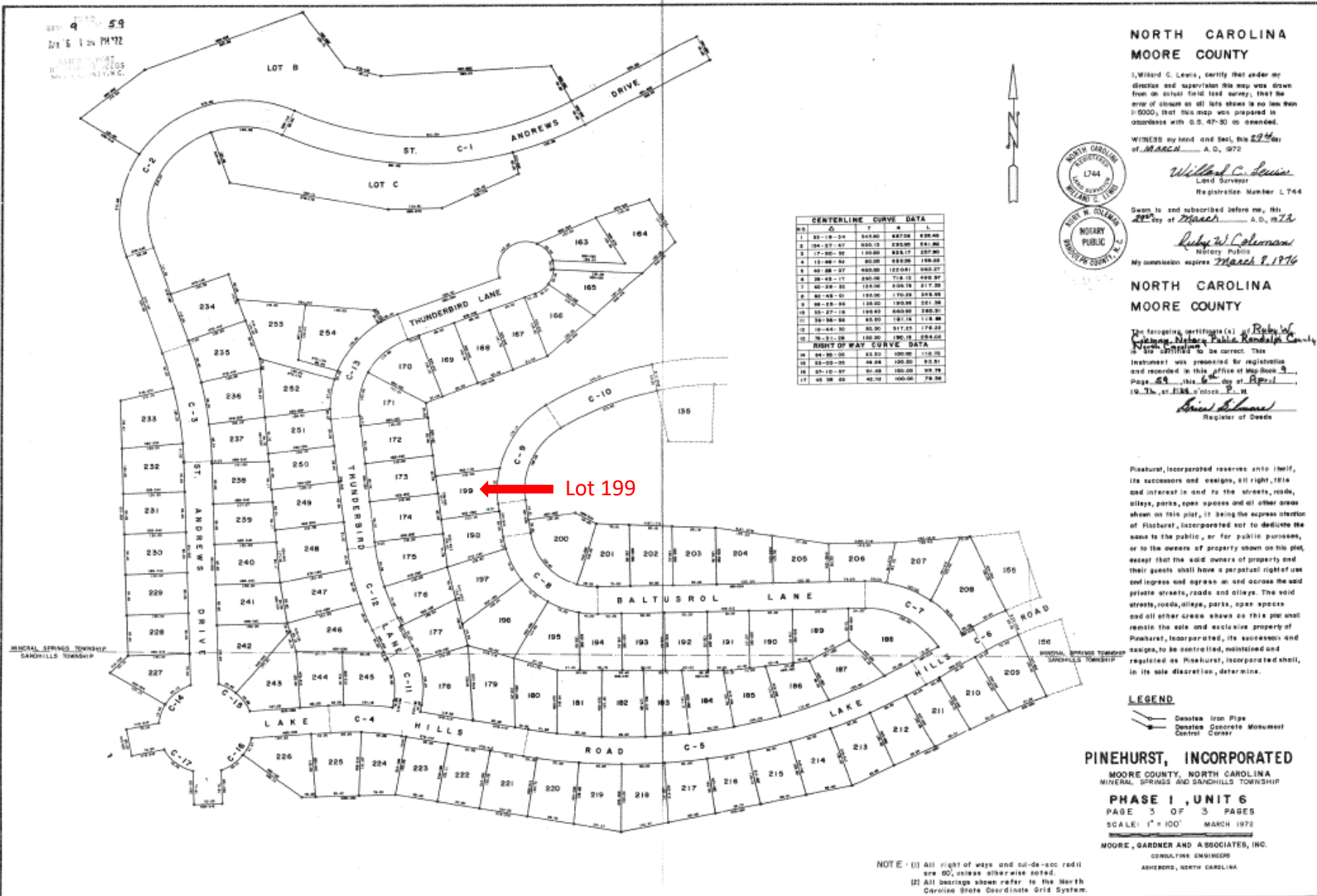
KOCHEVAR, DANIEL C & ANNE S
273 KENILWORTH AVE
GLEN ELLYN,IL,60137

RUDD, KYLE LONG
50 THUNDERBIRD LN
PINEHURST,NC,28374

ONEAL, ALLEN
FOX HOLLOW SENIOR LIVING COMMUNITY
PINEHURST,NC,28374

PINEHURST, LLC
PO BOX 4000
PINEHURST,NC,28374

DAIGRE, JEAN S
60 THUNDERBIRD LANE
PINEHURST,NC,28374



NORTH CAROLINA MOORE COUNTY

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 in all lots shown is no less than 1/1000; that this map was prepared in accordance with G.S. 47-50 as amended.

WITNESS my hand and Seal, this 22nd day of March, A.D., 1972



Willard C. Lewis
Land Surveyor
Registration Number L 744

Given to and subscribed before me, this 22nd day of March, A.D., 1972



Robert W. Coleman
Notary Public
My commission expires March 9, 1974

NORTH CAROLINA MOORE COUNTY

This foregoing certificate(s) of *Robert W. Coleman*, Notary Public, Moore County, North Carolina, is/are certified to be correct. This instrument was presented for registration and recorded in this office of Map Book 3, Page 59, this 6th day of April, 1972, at 1:34 o'clock P.M.

Robert W. Coleman
Register of Deeds

Pinehurst, Incorporated reserves unto itself, its successors and assigns, all right, title and interest in and to the streets, roads, alleys, parks, open spaces and all other areas shown on this plat, it being the express intention of Pinehurst, Incorporated not to dedicate the same to the public, or for public purposes, or to the owners of property shown on this plat, except that the said owners of property and their agents shall have a perpetual right of use and ingress and egress in and across the said private streets, roads and alleys. The said streets, roads, alleys, parks, open spaces and all other areas shown on this plat shall remain the sole and exclusive property of Pinehurst, Incorporated, its successors and assigns, to be controlled, maintained and regulated as Pinehurst, Incorporated shall, in its sole discretion, determine.

For Registration Register of Deeds

William Britton

Moore County, NC

Electronically Recorded

July 3, 2023

10:19:29 AM

Book: 6037

Page:

412 - 413

#Pages: 2

Fee: \$26.00

NC Rev Stamp: \$550.00

Instrument# 2023008885

This document prepared by:
Donnell G. Adams, Jr., Attorney at Law
100 Market Square
Pinehurst, North Carolina 28374

STATE OF NORTH CAROLINA

COUNTY OF MOORE

WARRANTY DEED

THIS WARRANTY DEED is made this 3rd day of July, 2023, by and between **DANIEL C. KOCHEVAR and wife ANNE S. KOCHEVAR**, 273 Kenilworth Ave., Glen Ellyn, IL 60137 ("Grantor"), and **BROOKE KOCHEVAR and spouse KYLE MAHER**, 115 Baltusrol Ln., Pinehurst, NC 28374 ("Grantee").

WITNESSETH:

THAT the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all of that certain lot, tract, or parcel of land situated in or near the Village of Pinehurst, Mineral Springs Township, Moore County, North Carolina, and more particularly described as follows:

Lot No. 199, Unit 6, Phase 1, Pinehurst, Incorporated, as set forth on a plat thereof recorded in Map Book 9, Pages 57-59, Moore County Register of Deeds.

This conveyance is made together with and/or subject to: (i) ad valorem taxes for the current year, which taxes shall be prorated at closing; (ii) utility easements and other easements of record; and (iii) restrictions of record enforceable against the property.

This property was conveyed in instrument recorded in Book 3184, Page 506, Moore County Register of Deeds.

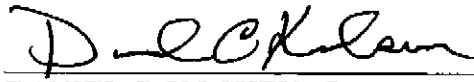
At the time of this conveyance the subject property was not the principal residence of the seller.

TO HAVE AND TO HOLD the aforesaid lot, tract or parcel of land, and all privileges and appurtenances thereto belonging to the Grantee in fee simple, subject, however, to the exceptions, reservations and conditions hereinabove referred to;

AND the Grantor covenants with the Grantee, that the 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 the Grantor will warrant and defend the title against the lawful claims of all persons, subject however, to the exceptions, reservations and conditions hereinabove referred to.

The designations "Grantor" and "Grantee" as used herein shall include said parties and 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, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers by authority of its Board of Directors, on the day and year first above written.

 (SEAL)
DANIEL C. KOCHEVAR

 (SEAL)
ANNE S. KOCHEVAR

County: Moore
State: NC

I certify that the following person(s) personally appeared before me this day, and (choose one) I have personal knowledge of the identity of the principal(s) OR I have seen satisfactory evidence of principal's identity, by a current state or federal identification with the principal's photo in the form of a 14/5C; each acknowledging to me that he/she voluntarily signed the foregoing document for the purposes stated therein: DANIEL C. KOCHEVAR and ANNE S. KOCHEVAR.

Date: 7/3/23


Notary Public

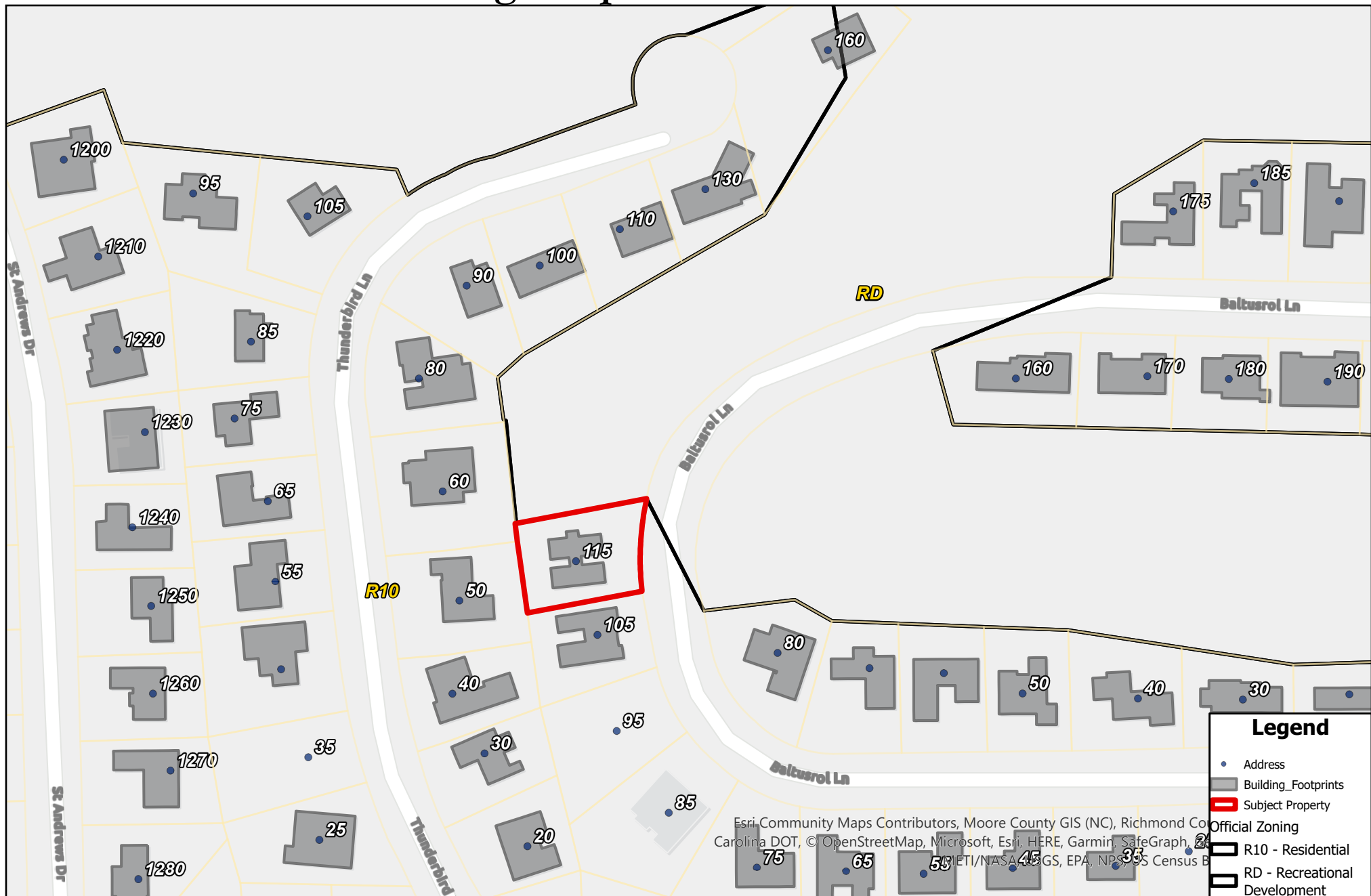
My Commission Expires: Nov. 5, 2024

AFFIX NOTARIAL SEAL HERE

DONNELL G. ADAMS, JR.
Notary Public
Moore County, NC

Zoning Map - 115 Baltusrol Lane

Exhibit S-4



0 205 410 Feet

Village of Pinehurst Disclaimer: It is understood that the data contained herein is subject to constant change and that its accuracy cannot be guaranteed. The maps have been created from information provided by various government and private sources at various levels of accuracy. The data is provided to you "as is" with no warranty, representation or guaranty as to the content, sequence, accuracy, timeliness or completeness of any of the information provided herein. It is the responsibility of the user of the data to be aware of the data's limitations and to utilize the data in an appropriate manner. Any resale of this data is strictly prohibited in accordance with North Carolina General Statutes 132-10. Gnd is based on North Carolina State Plane Coordinate System NAD83 (feet).

8/29/2023

September 7, 2023 Zoning Board of Adjustment Variance Hearing



Aerial - 115 Baltusrol Lane

Exhibit S-5



0 205 410 Feet

Village of Pinehurst Disclaimer: It is understood that the data contained herein is subject to constant change and that its accuracy cannot be guaranteed. The maps have been created from information provided by various government and private sources at various levels of accuracy. The data is provided to you "as is" with no warranty, representation or guaranty as to the content, sequence, accuracy, timeliness or completeness of any of the information provided herein. It is the responsibility of the user of the data to be aware of the data's limitations and to utilize the data in an appropriate manner. Any resale of this data is strictly prohibited in accordance with North Carolina General Statutes 132-10. Gnd is based on North Carolina State Plane Coordinate System NAD83 (feet).

8/29/2023

September 7, 2023 Zoning Board of Adjustment Variance Hearing



File Date: [07/10/2023](#)

Application Status: [In Review](#)

Application Type: [Variance](#)

Application Detail: [Detail](#)

Description of Work: [Requesting a variance for a 4 foot high fence for the back part of our property which boards the back part of the 7th tee box on course 5. Where we propose to have the 4 foot fence meet the course line \(the front most part of the four foot fence\) is approximately 84 feet from the permanent Pinehurst blue tee marker medallion and 171 feet from the permanent Pinehurst white tee marker medallion.](#)

Application Name: [Fence Variance Request](#)

Address: [115 Baltusrol Ln, Pinehurst, NC 28374](#)

Owner Name: [Kyle Maher and Brooke Kochevar](#)

Owner Address: [115 Baltusrol Lne, Pinehurst, NC 28374](#)

Parcel No: [00019443](#)

Contact Info:	Name	Organization Name	Contact Type	Contact Primary Address	Status
	Anne Steele Kochevar		Applicant	Home, 115 Baltusrol La...	Active
	Anne Steele Kochevar		Contact	Home, 115 Baltusrol La...	Active

Licensed Professionals Info:	Primary	License Number	License Type	Name	Business Name	Business License #
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Job Value: [\\$0.00](#)

Total Fee Assessed: [\\$500.00](#)

Total Fee Invoiced: [\\$500.00](#)

Balance: [\\$0.00](#)

Custom Fields:	PROJECT INFORMATION	General Description of Variance Request	Ordinance Section Reference
	Legal Basis for Application Agent or Contract Purchaser Authorized by the Owner	We are requesting a variance to the Village Ordinance that fencing along a golf course cannot be more than 13(B)(1) an 18 inches in height.	
	Ordinance Text (Verbatim) (B) - Fences and Walls in Residential Zoning Districts and/or on Residential Properties: (1) - Fences, walls, and similar structures not over six (6) feet in height may project into the rear or side setback provided the lot does not abut a golf course or a lake. Fences, walls, and similar structures are prohibited in the rear setback if the lot abuts a golf course or a lake. If the site Pinehurst permanent blue tee medallions and 171 feet from the Pinehurst permanent white tee medalled this property since 2007 we have never seen tees farther back than the blue which are 84 feet from the side yard does not abut a golf course or a lake, fences, walls, and similar structures may be erections. Additionally, the tee box is elevated from our property which would render a 4 foot fence lower than the distance from where we would like the 4 foot fence to start (the back right corner of our house) which is almost triple the 30 foot set back requirement, allowing for ample space from golfers to the required buffer unless the fence or wall has been designed as an integral part of the buffer and approved as such; Description of how the hardship did not result from actions taken by the applicant/owner My family has owned this property since 2007 and have not altered or improved the land. The 7th tee permanent market medallion distances from where we would like to install the 4 foot fence is very large and as noted, at an angle away from our property and elevated, although much greater than the required 30 foot set back requirement so the fence will not be near the golfers and the used tees are not close to our property line and the closes 84 feet, we are required to have, will not extend forward beyond the back right of our home so will not visually impair the course or golfers. an additional 30 foot set back because of the ordinance.	Description of how the hardship results from conditions that are peculiar to the property The 7th tee box angles away from our property, it does not follow our property line, only Pinehurst permanent blue tee medallions and 171 feet from the Pinehurst permanent white tee medalled this property since 2007 we have never seen tees farther back than the blue which are 84 feet from the side yard does not abut a golf course or a lake, fences, walls, and similar structures may be erections. Additionally, the tee box is elevated from our property which would render a 4 foot fence lower than the distance from where we would like the 4 foot fence to start (the back right corner of our house) which is almost triple the 30 foot set back requirement, allowing for ample space from golfers to the required buffer unless the fence or wall has been designed as an integral part of the buffer and approved as such;	

Workflow Status:	Task	Assigned To	Status	Status Date	Action By
	Appeal Filed		Accepted	07/12/2023	Alex Cameron
	Review for Completeness	Pamela Graham	Complete	08/08/2023	Pamela Graham
	Planning Review	Alex Cameron			
	BOA Notification	Alex Cameron			
	Staff Report	Alex Cameron			
	BOA Hearing	Alex Cameron			

Condition Status:	Name	Short Comments	Status	Apply Date	Severity	Action By	
Documents:	File Name	Document Group	Category	Description	Type	Document Status	Document Status Date
	back boundry along tee...	PLN_VAR	Photo	This photo was take...	image/jpeg	Uploaded	07/09/2023
	back boundry to edge o...	PLN_VAR	Photo	This photo shows th...	image/jpeg	Uploaded	07/09/2023
	back property boundry ...	PLN_VAR	Photo	This picture shows ...	image/jpeg	Uploaded	07/09/2023
	photo from back edge o...	PLN_VAR	Photo	We are requesting a...	image/jpeg	Uploaded	07/09/2023
	marked surveypdf.pdf	PLN_VAR	Other	I have included a c...	application/pdf	Uploaded	07/09/2023
	Agent appointment lett...	PLN_VAR	Correspondence	Letter appointing A...	application/pdf	Uploaded	07/10/2023
	Variance Proposal	PLN_VAR	Plan		application/pdf	Uploaded	08/07/2023
	Show all						

Application Comments:	View ID	Comment	Date
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Initiated by Product: ACA

Project Information (taken from online application)

General Description of Variance Request: We are requesting a variance to the Village Ordinance that fencing along a golf course cannot be more than 18 inches in height.

Ordinance Section Reference: 9.13(B)(1)

Ordinance Text (Verbatim): (B) Fences and Walls in Residential Zoning Districts and/or on Residential Properties:

- (1) Fences, walls, and similar structures not over six (6) feet in height may project into the rear or side setback provided the lot does not abut a golf course or a lake. Fences, walls, and similar structures are prohibited in the rear setback if the lot abuts a golf course or a lake. If the side yard does not abut a golf course or a lake, fences, walls, and similar structures may be erected to a maximum height of six (6) feet. Such fence or wall shall not be built in or through a required buffer unless the fence or wall has been designed as an integral part of the buffer and approved as such;

Description of unnecessary hardship that would result from the strict application of the ordinance:

Our back, side and front yard border the 7th tee of course 5. Without a variance to install a 4 foot fence, approximately 1/3 of our backyard will be unusable for our pets and any small children. Where we would like to have the higher fence start at the right back corner of our house is approximately 84 feet from the Pinehurst permanent blue tee medallions and 171 feet from the Pinehurst permanent white tee medallions. Additionally, the tee box is elevated from our property which would render a 4 foot fence lower than that height when standing on the tee box. We have included pictures showing the distance from both our back property line and the back corner of our house where the front most 4 foot fence line would be if approved.

Description of how the hardship results from conditions that are peculiar to the property: The 7th tee box angles away from our property, it does not follow our property line, only Pinehurst course property does. The distance from where we would like to install the 4 foot fence is a distance farther than the 30 foot set back requirement of the ordinance. As my family has owned this property since 2007 we have never seen tees farther back then the blue which are 84 feet from where we would like the 4 foot fence to start (the back right corner of our house) which is almost triple the 30 foot set back requirement, allowing for ample space from golfers to the fence.

Description of how the hardship did not result from actions taken by the applicant/owner: My family has owned this property since 2007 and have not altered or improved the land. The tee box is very large and as noted, at an angle away from our property and elevated. although the used tees are not close to our property line and the closes 84 feet, we are required to have an additional 30 foot set back because of the ordinance.

Explanation of how the requested variance is consistent with the intent of the ordinance: The 7th tee permanent market medallion distances from where we would like to install the 4 foot fence is much greater than the required 30 foot set back requirement so the fence will not be near the golfers and will not extend forward beyond the back right of our home so will not visually impair the course or golfers.

Professional Seal of John G. Matthews, North Carolina Professional Land Surveyor, Seal L-5020.

LOT 199
12185 SQ FT

EXISTING HOUSE

MINIMUM BUILDING SETBACKS

PROPOSED 4' FENCE

BRICK WALK

CONCRETE DRIVE

CONCRETE

SATELLITE 11.2'

HVAC

ICV

CO

12.4'

125.16'

15'

40.8'

30'

30' 31.8'

136.18'

N 83°18'06" E

N 07°02'39" W

18.71'

1/2" EIS FL

1'

28.5'

25'

78.21'

N 06°50'05" W

25.1'

1" EIP 7" BG

12.4'

1'

S 62°03'30" W

125.16'

1" EIP 3" BG

S 06°52'06" E

106.66'

1" EIP 3" BG

1" EIP 3" BG

S 08°10'17" E

84.77'

1" EIP 3" BG

5/8" NIS FL

CABLE BOX

16.31'

S 07°58'30" E

"X" IN CONCRETE

TR

60' RW PER MB 9, P 59

BALTUSROLL LANE

PUBLIC PAVED ROAD

E: 1857710.46 US SURVEY FEET

1" EIP 2" BG

N: 519538.110 US SURVEY FEET

E: 1857575.21 US SURVEY FEET

JEAN S. DAIGRE & DARRELL DAIGRE

DB 5818, P 204

PC 16, SL 16

LOT 173R

KYLE LONG RUDD

DB 5498, P 411

ALLEN ONEAL

DB, 844, P 248

MB 9, P 59

LOT 198

REVISIONS:

08/04/2023 - ADD PROPOSED FENCE

NOTES:

1. ACREAGE DETERMINED BY COORDINATE METHOD
2. TAX PARCEL ID: 00019443
3. ZONING: R-10
4. PUBLIC WATER SUPPLY WATERSHED: WS-IIIP
5. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE SEARCH AND IS SUBJECT TO ANY EASEMENTS OR CONVEYANCES OF RECORD.
6. NO ATTEMPTS MADE TO LOCATE UNDERGROUND UTILITIES
7. SETBACKS SHOWN ARE FROM RECORD DATA AND SHOULD BE VERIFIED BEFORE DESIGN OR CONSTRUCTION.

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	220.96'	79.11'	78.68'	S 01°25'22" W	20°30'45"

REVISIONS:
08/04/2023 - ADD PROPOSED FENCE

NOTES:

1. ACREAGE DETERMINED BY COORDINATE METHOD
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ASBUILT SURVEY FOR
DANIEL KOICHEVAR
& ANNE KOICHEVAR

PINEHURST, UNIT 6, PHASE 1, LOT 199
VILLAGE OF PINEHURST
MINERAL SPRINGS TOWNSHIP
MOORE COUNTY, NORTH CAROLINA

MAY 5, 2023

0 20 40 60



SCALE 1" = 20'

REFERENCE TABLE: DEED BOOK 3184, PAGE 506 MAP BOOK 9, PAGE 59 MOORE COUNTY REGISTRY	OWNERS' ADDRESS: DANIEL C. KOCHÉVAR ANNE S. KOCHÉVAR 273 KENILWORTH AVE GLEN ELLYN, IL 60137
PROPERTY ADDRESS: 115 BALTSUROL LN PINEHURST, NC 28374	BUILDING SETBACKS PER UDO: FRONT = 30' SIDE = 15' REAR = 25'

MATTHEWS
LAND SURVEYING & MAPPING
FIRM LICENSE: P-1343 PLLC

10 COURTHOUSE SQUARE
CARTHAGE, NC 28327
910-947-2671

JOB# 11792