



**Board of Adjustment  
Agenda for Regular Meeting of October 3, 2024  
Assembly Hall  
395 Magnolia Road, Pinehurst, NC 28374  
Pinehurst, North Carolina  
4:00 PM**

1. Call to Order

2. Approval of Minutes

A. Approval of Draft Minutes from 8/1/2024 Meeting

3. Public Hearing

A. Variance Request for 55 Statler Lane (PLN-2024-00105)

*The purpose of the public hearing is to receive testimony for a variance request from Pinehurst Development Ordinance Section 9.2a Table of Dimensional Requirements for the property addressed as 55 Statler Lane, further identified by Moore County PID # 00029860. This property is located within the R-10 Zoning District. Specifically, the applicant is requesting a variance to allow an attached carport that encroaches the minimum 15' side yard setback of the R-10 Zoning District.*

4. Next Meeting Date

A. 11-07-2024 BOA Regular Meeting (If the Board has business to conduct)

5. 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.



**Approval of Draft Minutes from 8/1/2024 Meeting**  
**ADDITIONAL AGENDA DETAILS:**

**FROM:** Jeanann Dawson, Administrative Specialist  
**CC:** Board of Adjustment;  
**DATE OF MEMO:** 09/24/2024

**MEMO DETAILS**

**ATTACHMENTS**

1. 08-01-2024 BOA Draft Minutes



**BOARD OF ADJUSTMENT  
REGULAR MEETING  
THURSDAY, AUGUST 01<sup>st</sup>, 2024  
ASSEMBLY HALL  
395 MAGNOLIA ROAD  
PINEHURST, NORTH CAROLINA  
04:00 PM or IMMEDIATELY FOLLOWING THE P&Z MEETING**

<b>Board Members Present:</b> Thomas Schroeder, Chair Jeremy Hooper Sonja Rothstein Paul Roberts Louise Mercurio, Alt.	<b>Board Members Absent:</b> Matt Jones, Vice-Chair Bruce Hironimus, Alt. Jimmy Duncan, Alt.	<b>Staff Present:</b> Alex Cameron, Planning Director Michael Mandeville, Senior Planner Maria Carpenter, Planner Shelby Grow, Clerk to the Board Paul Connors, IT Systems Specialist
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Approximately 2 member(s) of the public were in attendance.

**I. Call to Order**

Mr. Schroeder called the August 01<sup>st</sup>, 2024 Regular Meeting to order at 04:39 PM.

Mr. Hooper moved to seat Ms. Mercurio as a voting member of the Board of Adjustment for the Regular Meeting of August 01<sup>st</sup>, 2024. Seconded by Ms. Rothstein. Approved by a vote of 5-0.

Mr. Schroeder introduced Staff. The Board members introduced themselves and verified they had no ex parte communication regarding the case.

**II. Approval of Minutes**

**a. 04-04-2024 Regular Meeting Minutes**

Mr. Hooper moved to approve the minutes of the April 04<sup>th</sup>, 2024 Regular Meeting. Seconded by Mr. Roberts. Approved by a vote of 5-0.

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

Mr. Schroeder gave a brief introduction to the procedures and requirements of a quasi-judicial hearing.

**III. Public Hearing**

**a. PLN-2024-00103 (2140 Midland Rd Variance Request)**

*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)(6), for the property addressed as 2140 Midland Road, further identified by Moore County PID # 00032900. This property is located within the R-30 Zoning District. Specifically, the applicant is requesting a variance to allow a fence that exceeds the four (4) foot maximum height when abutting a defined front yard of an adjacent property.*

Mr. Alex Cameron and Mr. Michael Mandeville were sworn into the public hearing.

Mr. Mandeville discussed the proposed work and submitted into evidence the Staff Report with attachments / exhibits, Presentation, Application and Applicant's materials / exhibits. Mr. Mandeville submitted an additional document; Exhibit A-4, not included in the Staff presentation, into evidence.

Mr. Schroeder read the authorization letter; Exhibit A-4, aloud to the Board.

Mr. Hooper asked for clarification on the process for a Minor Subdivision approval. Mr. Cameron gave an overview of the process which includes a review by Staff and if needed, the Technical Review Committee to determine what improvements need to be met in order for the division of land to take place; this particular case needing improvements to utilities, the location of a fire hydrant, and the installation of a fire suppression system, adding there are a list of requirements in Appendix E that need to be included on the Subdivision Plat, along with the necessary improvements that need to be met before a building permit can be issued. Mr. Hooper confirmed with Mr. Cameron that the setbacks, front, rear, and side of the property are determined during this process, along with entry points and roads. Staff pulled up a site plan showing the buildings with setbacks of the subdivision. Mr. Cameron addressed the Board regarding how setbacks are determined during the approval process and confirmed that the homes on these lots all face Midland Road. Mr. Cameron confirmed with Mr. Hooper that a fence permit was not submitted and the fence in question was discovered during an inspection of the property for a renovation at 2140 Midland Road. The Board members discussed and confirmed that the fence was not discovered until well after the subdivision was approved and construction started. Mr. Hooper and Staff discussed the process for a fence permit application, with requirements being explained to the applicant during the review process. Ms. Mercurio asked for clarification on whether the Pinehurst Development Ordinance (PDO) addresses flag shaped lots. Mr. Cameron stated there are subdivision standards relating to flag lots, however there is no definition for a flag lot.

Mr. Roberts asked for clarification on the applicant's address being 2144 Midland Road, the owner of 2140 Midland Road being okay with the 6-foot fence masking the view of her home, said owner providing a signed letter to Staff confirming this, and if it could be taken into consideration when deciding on this matter. Mr. Cameron stated the applicant will have a chance to present testimony and provide information on the relationship between the lots and the owners; subjectivity and discretion limited to Standards A through D, based on what evidence is given, and

the evidence that may apply to a particular standard, and taking into account what the intent of the ordinance language is, should help in making a decision on this case. Mr. Hooper confirmed with Mr. Mandeville that the fence is located on the property at 2140 Midland Road, which was previously owned by the applicant, Mr. Riddle, and sold to the new owner this past spring. Mr. Cameron added that this was around the time when the fence was discovered on the project at Lot 1 - 2140 Midland Road. Mr. Schroeder noted that this is a quasi-judicial hearing, and they are being asked to deviate and authorize the deviation which must be based on the evidence presented today. Ms. Rothstein confirmed with Staff that a fence permit application was submitted after the fence was installed, and proper procedure was not followed by the applicant.

Mr. Schroeder asked if the Board members had any more questions for Staff, and accepted the materials submitted by Mr. Mandeville into evidence. Mr. Cameron confirmed with Mr. Schroeder that all Exhibits included in the original agenda packet as well as new Exhibit A-4, will be entered into the record.

The Applicant Mr. F. Calvin Riddle Jr., 3380 Youngs Road, Southern Pines, was sworn into the public hearing.

Mr. Riddle thanked the Board and stated that he did not intentionally build the fence without permission; when the Certificate of Occupancy (CO) inspection was done the fence was noticed by Staff who then advised him that a permit was needed for the new fence and that fences cannot exceed 4 feet in height when abutting a defined front yard of an adjacent property.

Mr. Riddle gave a PowerPoint presentation, including a Site Map of the property explaining the orientation of the dwellings and fences, adding that the subdivision was originally zoned for six dwelling units, and they elected to only build three homes, which have all been connected to Moore County water and sewer, Duke Power and Piedmont Natural Gas. Mr. Riddle gave a Summary of the Variance Request, and addressed the Board regarding unnecessary hardship stating the fence provides a buffer, privacy, and noise barrier between the properties, gave an overview of improvements he has made to the properties and pond including irrigation and provided photos showing the view of the fence from different locations on the property, reiterating that fact that this fence provides privacy for the backyard at 2140 Midland Road. Mr. Riddle discussed reasons the hardship results from conditions peculiar to the property being the uniqueness of this property, choosing not to build to maximum density due to the property being pristine and special, with the three lot sizes being 0.9, 2.07 and 1.61 acres respectively; keeping a natural vegetative barrier between each property and at the front entrance, with proposed 3'6" brick columns to be installed eventually, and also noted the driveway locations for each property. Mr. Riddle addressed the Board with reasons the hardship did not result from actions taken by the applicant

or property owner first being the location of the home at 2144 Midland Road; forcing the front yard to be congruent with the rear yard of 2140 Midland Road, choosing to do a front yard setback of 140 feet from the fence on 2144, to mitigate the configuration, along with leaving a natural vegetative buffer around each property to provide as much privacy as possible. Mr. Riddle noted that the property and fence at 2140 cannot be seen from Midland, Palmer or Knoll Roads. Mr. Riddle discussed reasons the variance is consistent with the intent of the ordinance stating the fence is not in the front viewshed of the property at 2144 and feels that the ordinance is more applicable to densely populated areas unlike the configuration of these three properties, reiterating that the fence and home at 2140 cannot be seen from 2144. Mr. Riddle noted the fence at 129 Williams Road is six feet in height beyond the front line of his home, but it provides needed privacy between the lots, adding that he feels the ordinance is very black and white and this case is a gray area due to the way the properties are situated and the space between them. Mr. Riddle showed a diagram with a front yard fence location and height from Section 9.13 (6) of the PDO, stating this is for a typical lot in a neighborhood, and reiterated he feels the intent should not apply to larger lots. Mr. Riddle thanked the Board and offered to answer any questions they may have.

Mr. Schroeder thanked Mr. Riddle for his presentation. Mr. Cameron asked that the Board formally accept Mr. Riddle's presentation into evidence. Mr. Schroeder asked that the Exhibits be properly numbered by Staff to which Mr. Cameron confirmed.

Mr. Hooper moved to accept Mr. Riddle's presentation as given tonight with the additional information into the record and accept it as evidence by the Board. Seconded by Ms. Rothstein. Approved by a vote of 5-0.

Mr. Hooper confirmed with Mr. Riddle that lot clearing at 2144 Midland Road began in 2022 after proper permitting and requirements had been met, and construction began in July 2023. Mr. Hooper asked for clarification on the timeline for the whole project. Mr. Riddle responded with a timeline beginning with renovations at 2140 until the sale of the property, confirming that the fence was installed before the property was sold. Mr. Riddle added that he would eventually like to install fences on the properties at 2144 and 2148 Midland Roads. Mr. Schroeder and Mr. Riddle discussed the 140-foot setback between the rear fence at 2140 and the front of the home at 2144 adding that a vegetative buffer will also be left between the fence and his property at 2144. Mr. Riddle gave a brief history on the previous owner, along with the landscaping and plant life on the property which he hopes to restore. Mr. Hooper asked for clarification on what Mr. Riddle felt defines the hardship for this case. Mr. Riddle stated a four-foot fence height would not provide a sufficient buffer for separation, noise

barrier and privacy between the two properties, adding that a 6-foot fence would also afford both homes added privacy from the driveway, and well house.

Mr. Schroeder asked if anyone would like to come forward to provide additional testimony. No one came forward.

Mr. Roberts moved to close the public hearing and re-enter the regular meeting. Seconded by Ms. Rothstein. Approved by a vote of 5-0.

The Board began deliberation. Mr. Roberts stated his recommendation would be to approve the variance; the property owners affected are both in agreement with the 6-foot fence height, it's not road front, and not sitting directly in the front yard of 2144 Midland. Mr. Hooper stated he feels there is a possible hardship for the current owner of 2140 Midland, but since a permit for the fence was not pulled the opportunity for Staff reviewal was missed where this issue would have surfaced.

Ms. Mercurio stated she believes the hardship did result in actions taken by applicant, and it was self-created; she is not sure that it's consistent with the purpose and intent of the ordinance, it does not meet the specific requirements the Village has for fences, and it was built without a permit. Ms. Rothstein agreed stating the hardship was self-created and feels the builder should have known that a permit was needed. Ms. Mercurio added the developer has built in this community for a long time and should know the procedure for getting a fence permit. Mr. Roberts stated in this case he feels the fence is doing no harm since it is screened by a wooded area, not visible from Midland Road and is located a good distance from each dwelling. Mr. Hooper and Mr. Roberts discussed this being a subjective decision. Mr. Schroeder reminded the Board that all four standards must be agreed upon for this variance to pass. Mr. Cameron added for the record each one of the standards with that motion, what the finding is and what it is based on by any evidence or testimony provided by the Applicant or Staff must be made clear. The Board and Mr. Cameron discussed taking a roll call for each standard to determine where they stand and move the process along.

Mr. Riddle asked if a rebuttal could be made to address a few issues the Board members had. Mr. Cameron stated a rebuttal could be made for other evidence or testimony that would be presented. Mr. Schoeder stated the hearing could be re-opened if new testimony needed to be addressed.

Mr. Schroeder read each standard and the Board members gave their response.

- A. All Board members agreed that a hardship does not result from the strict application of the ordinance.
- B. Mr. Roberts, Ms. Rothstein, and Ms. Mercurio felt the hardship does not result from conditions peculiar to the property. Mr. Hooper felt that it does.

- C. All Board members felt that the hardship did result from actions taken by the applicant.
- D. Mr. Roberts stated the requested variance is consistent with the spirit, purpose and intent of the ordinance, due to the existing vegetation, drain and density of the structures on the property, adding this enhances the quality of life for both property owners who have mutual support with keeping the 6-foot fence height. Ms. Rothstein stated it is not consistent. Mr. Hooper feels the ordinance was not written for this type of application and is not consistent, but he sees both sides. Ms. Rothstein added that the ordinance is there for a reason and feels the Board should not deviate from that. Ms. Mercuro stated it is not consistent and the problem lies in the way the subdivision was platted.

Mr. Schroeder asked the Board if they were ready to make a motion or re-open the public hearing to ask further questions.

The Board deliberated on making a motion.

Mr. Riddle stated the new owner of 2140 Midland is the one who is ultimately impacted by this decision. Mr. Cameron stated Mr. Riddle has been authorized by the owner to be the applicant, and it is up to Board to determine who might have the hardship in this matter.

***Mr. Hooper moved the Board of Adjustment deny the variance request for 2140 Midland Road AND adopt the following Findings of Fact:***

- A. Unnecessary hardship would result from the strict application of the ordinance because the property owner of 2140 Midland Road would not enjoy similar visual and noise buffers of surrounding developments.***
- B. The hardship does result from conditions that are peculiar to the property because two new construction lots are being developed, one behind the other, directly behind 2140 Midland Road.***
- C. The hardship did result from actions taken by the applicant or the property owner because the applicant was the developer of two lots directly behind 2140 Midland Road and did not follow proper permitting for the fence before construction.***
- D. The requested variance is not consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved because the ordinance was not purposed to be applied in retrospect after fence construction and new construction of the lots began.***

***Seconded by Ms. Rothstein.***

Mr. Schroeder asked if there was any further discussion on the motion and called for a roll call vote.

**Mr. Roberts:** No  
**Ms. Rothstein:** Yes  
**Mr. Hooper:** Yes  
**Ms. Mercurio:** Yes  
**Mr. Schroeder:** Yes

*The motion to deny the variance request passed by a vote of 4-1.*

**IV. Next Meeting Date**

**a. 09-05-2024 Regular Meeting (If the Board has business to conduct)**

Mr. Cameron stated Staff is working on the next Board of Adjustment agenda and will be in touch with the Board regarding attendance for that meeting.

**V. Motion to Adjourn**

Mr. Roberts moved to adjourn the Regular Meeting. Seconded by Ms. Rothstein. Approved by a vote of 5-0 at 06:10 PM.

Respectfully Submitted,

Jeanann Dawson  
Clerk to the Board &  
Planning Administrative Specialist  
Village of Pinehurst

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



## **Variance Request for 55 Statler Lane (PLN-2024-00105)**

### **ADDITIONAL AGENDA DETAILS:**

*The purpose of the public hearing is to receive testimony for a variance request from Pinehurst Development Ordinance Section 9.2a Table of Dimensional Requirements for the property addressed as 55 Statler Lane, further identified by Moore County PID # 00029860. This property is located within the R-10 Zoning District. Specifically, the applicant is requesting a variance to allow an attached carport that encroaches the minimum 15' side yard setback of the R-10 Zoning District.*

**FROM:** Michael Mandeville, Senior Planner  
**CC:** Board of Adjustment;  
**DATE OF MEMO:** 09/24/2024

### **MEMO DETAILS**

### **ATTACHMENTS**

1. S-1 - S-5
2. A-1 - A-3




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**PLANNING AND INSPECTIONS DEPARTMENT STAFF REPORT**

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**To:** Zoning Board of Adjustment  
**From:** Michael Mandeville, Senior Planner  
**CC:** Alex Cameron, Planning and Inspections Director  
 Maria Carpenter, Planner  
 Jeanann Dawson, Administrative Specialist  
**Date:** September 26, 2024  
**Subject:** **Variance Request for 55 Statler Lane**

<b>Applicant:</b>	Earle Garvin Few
<b>Owners:</b>	Earle G. and Robin Few
<b>Property Location:</b>	55 Statler Lane
<b>Parcel Size:</b>	+/-19,602 square feet or +/- 0.45 acres
<b>PID#</b>	00029860
<b>Zoning:</b>	R-10 (High Density Residential)
<b>Land Use:</b>	Single Family Residential

**Request and Background:**

This request is to allow an attached carport to project into the minimum 15' side yard setback in the R-10 zoning district. This provision is located in the PDO in Section 9.2a and requires that the principal structure not encroach into the 15' side yard setback.

The subject lot (305) was created as part of the subdivision titled *Phase 2 Unit 12 Page 3 of 4* by Pinehurst, Inc. in May of 1973 as indicated on Map Book 10 Page 63 (Exhibit S-4) 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 1980, and the property was acquired by the current owner in August of 2021.

The property is approximately 19,602 square feet in area or just under a half-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 north (rear) of the subject property. These properties are also part of the same subdivision and are zoned R-10. The residentially zoned parcels on either side of the subject property are currently vacant.

Also, a +/- 70' powerline easement runs through the western portion of the parcel.

Planning Staff received a complaint about work being done without a permit at the subject property. After completing an inspection of the property and determining work was being performed without a permit, staff advised the owner of the appropriate permit applications. The owner applied for the appropriate permit and provided the required material. Upon reviewing the surveyed site plan, (Exhibit A-2), staff discovered the setback encroachment. The carport encroached 2.7 feet into the 15' side setback. The total area of the carport that encroaches is approximately 14 square feet. The owner was notified of the encroachment and that a development permit may not be issued and was notified of their options. The owner then applied for a variance request. The 15' side principal structure setback applies as the carport is an addition and therefore considered part of the principal structure.

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

- Exhibit S-2 – Zoning Map
- Exhibit S-3 – Aerial Map
- Exhibit S-4 – Recorded Subdivision Plat
- Exhibit S-5 – Staff Photos

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 Existing Carport
- Exhibit A-3 – Applicant Photos

### **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, the 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:**

With respect to the public hearing, the Zoning Board of Adjustment has the authority to subpoena witnesses and may request additional information. After conducting the public hearing, the Zoning Board of Adjustment may:

- (1) Continue the public hearing on the requested variance;
- (2) Grant the requested variance;
- (3) Deny the requested variance;
- (4) 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

**September 19, 2024**

### **Dear Property Owner:**

The Village of Pinehurst Board of Adjustment (BOA) will hold a Public Hearing on Thursday, October 3, 2024 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 9.2a Table of Dimensional Requirements for the property addressed as 55 Statler Lane, further identified by Moore County PID # 00029860. This property is located within the R-10 Zoning District. Specifically, the applicant, Garvin Few, is requesting a variance to allow an attached carport that encroaches the minimum 15' side yard setback of the R-10 Zoning District.*

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 CivicClerk Agenda website at <https://pinehurstnc.portal.civicclerk.com/>.

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.

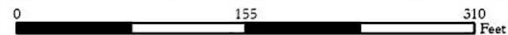
For more information, please call (910) 295- 2581.

# Public Hearing Notification

Exhibit S-1.6



Esri Community Maps Contributors, Moore County GIS (NC), Richmond Co  
Carolina DOT, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, Ge  
MET/NASA, USGS, EPA, NPS, US Census Bureau, U



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).

**October 3, 2024**  
**Board of Adjustments**  
**55 Statler Lane Variance Request**



MCFADDEN, ROBERT J  
8 TULL LANE  
PINEHURST,NC,28374

ROBINSON, KAREN L  
274 WOOD RIVER ROAD  
WEST END,NC,27376

MOTYKA, JANE  
PO BOX 4387  
PINEHURST,NC,28374

MAJORS, VERNON G  
110 LINDEN TRL  
ABERDEEN,NC,28315

TAYLOR, REYNITA  
5372 HESPERUS DR  
COLUMBIA,MD,21044-1846

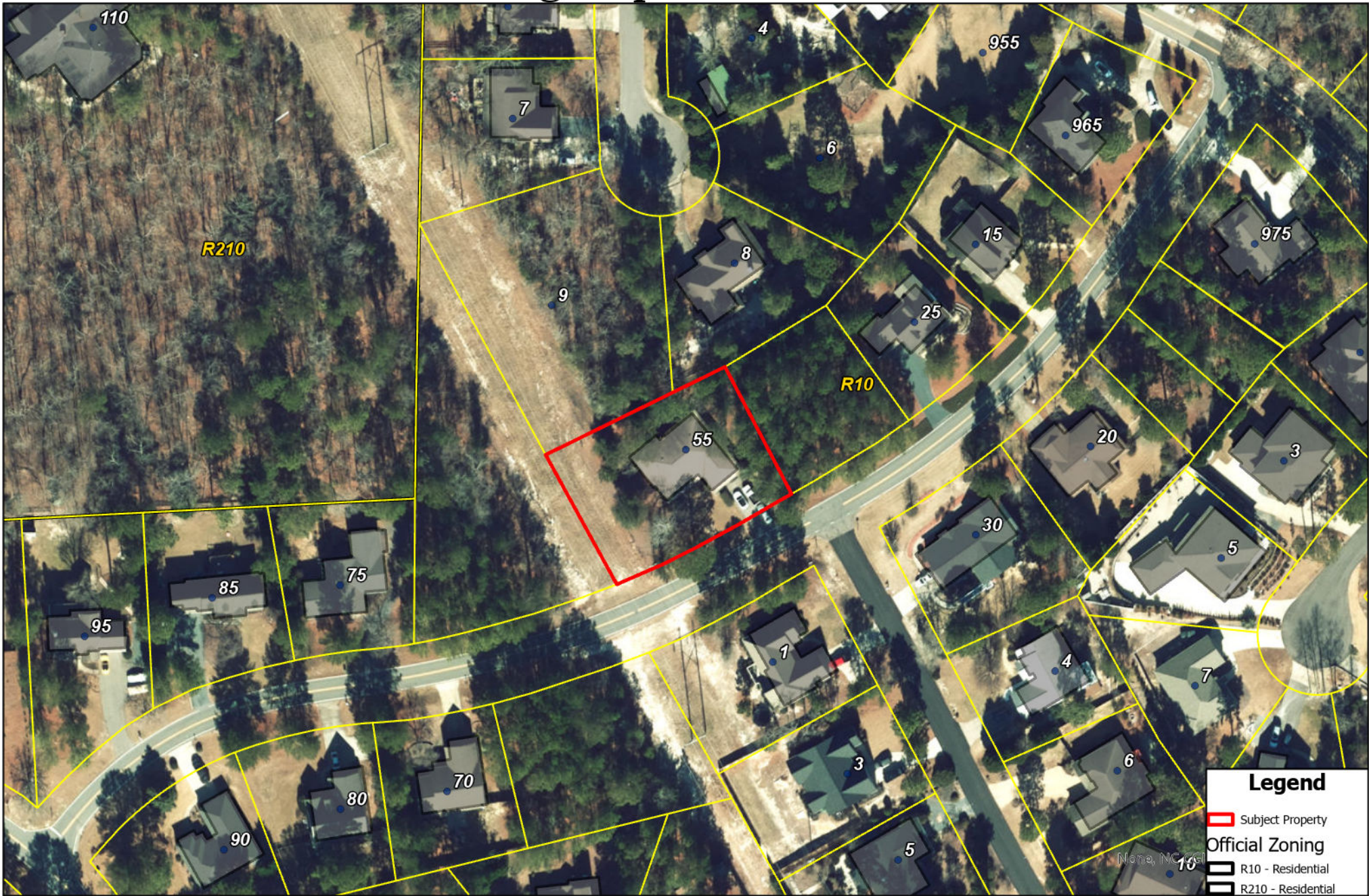
WOOD, RICHARD CHARLES, JR.  
1 EMERALD LN.  
PINEHURST,NC,28374



0 155 310 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).  
9/16/2024

**October 3, 2024**  
**Board of Adjustments**  
**55 Statler Lane Variance Request**

The Village of Pinehurst logo features the year 1899 and the text 'VILLAGE OF PINEHURST' with a pine tree icon. To the right is a compass rose with cardinal directions N, S, E, and W.



0 155 310 Feet

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Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).

9/16/2024

### October 3, 2024 Board of Adjustments 55 Statler Lane Variance Request



Exhibit S-4

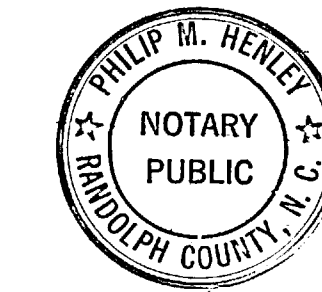
NORTH CAROLINA  
MOORE COUNTY

I, Mont B. Gilmore, 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 2<sup>nd</sup> day of MAY A.D., 1973.



*Mont B. Gilmore*  
Land Surveyor  
Registration Number L1402



Sworn to and subscribed before me, this 2<sup>nd</sup> day of MAY A.D., 1973

*Philip M. Henley*  
Notary Public  
My commission expires 12/27/77

NORTH CAROLINA  
MOORE COUNTY

The foregoing certificate(s) of *Philip M. Henley, N.C. of Randolph Co., N.C.* is/are certified to be correct. This instrument was presented for registration and recorded in this office at Map Book 10, Page 63, this 16 day of May, 1973, at 2:50 o'clock A.M.

*David Gilmore*  
Register of Deeds

Filed for registration May 16, 1973 in the Register of Deeds Office of Moore County and Registered 9:25 A.M., May 16, 1973, in Book 10 Page 63  
*David Gilmore*  
Register of Deeds

CENTERLINE CURVE DATA				
NO.	DELTA	TANGENT	RADIUS	LENGTH
C-1	38-53-25	230.00	651.48	442.20
C-2	36-08-51	250.00	766.07	483.31
C-3	25-18-18	100.00	445.46	196.74
C-4	28-03-42	167.81	671.50	328.88
C-5	19-49-03	120.00	686.95	237.60
C-6	39-41-32	100.00	277.06	191.94
C-7	78-29-20	280.00	365.01	486.33
C-8	11-31-05	110.00	1090.68	219.26
C-9	52-38-06	150.00	309.27	218.60
C-10	51-22-11	95.26	198.08	177.59
C-11	57-04-45	100.00	183.87	183.18
C-12	30-52-44	100.00	362.07	195.14
C-13	64-46-38	200.00	315.29	356.46

Lot 305

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 guests shall have a perpetual right of use and ingress and egress on 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.

**LEGEND**  
 Denotes Iron Pipe  
 Denotes Concrete Monument Control Corner

**PINEHURST, INCORPORATED**

MOORE COUNTY, NORTH CAROLINA  
MINERAL SPRINGS & SANDHILLS TOWNSHIP

**PHASE 2, UNIT 12**  
PAGE 3 OF 4 PAGES

SCALE: 1" = 100' APRIL 1973  
100 200

MOORE, GARDNER AND ASSOCIATES, INC.  
CONSULTING ENGINEERS  
ASHEBORO, NORTH CAROLINA

- NOTE**
- (1) All right of ways are 60' unless otherwise noted.
  - (2) All Cul-de-sac radii are 50' unless otherwise noted.
  - (3) All bearings shown refer to the North Carolina State Coordinate Grid System.

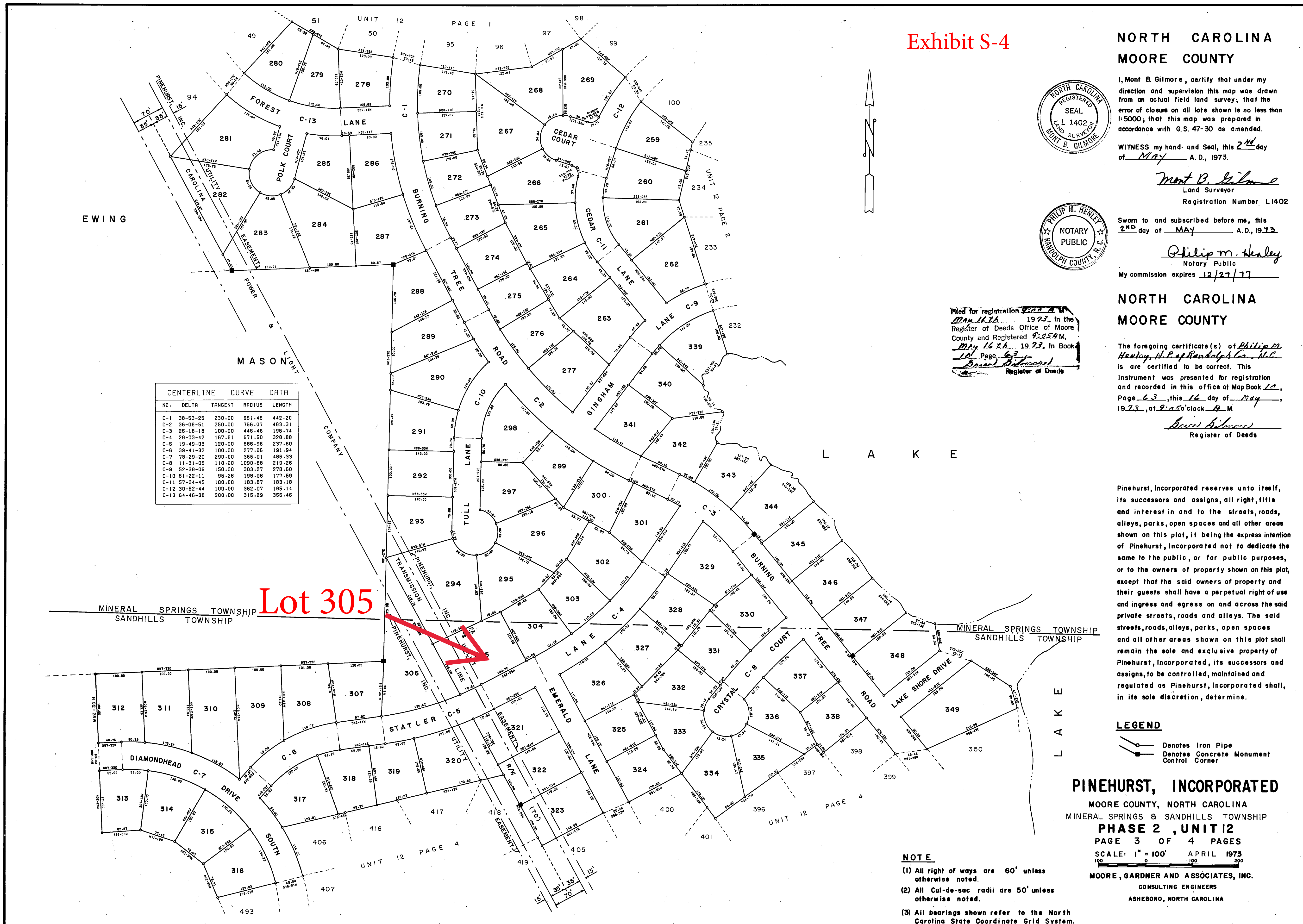


Exhibit S-5.1



Exhibit S-5.2



# PLN-2024-00105 - Carport

# Exhibit A-1

Menu Help

File Date: [06/01/2024](#)

Application Status: [In Review](#)

Application Type: [Variance](#)

Application Detail: [Detail](#)

Description of Work: [Attached Carport Already built, post-construction permit denied due to inadvertent encroachment into setback](#)

Application Name: [Carport](#)

Address: [55 STATLER, PH, 28374](#)

Owner Name: [FEW, EARLE G.](#)

Owner Address: [55 STATLER LN., PINEHURST, NC 28374](#)

Parcel No: [00029860](#)

Contact Info:	Name	Organization Name	Contact Type	Contact Primary Address	Status
	<a href="#">Garvin Few</a>		Applicant	<a href="#">Home, 55 Statler Ln NC...</a>	Active
	<a href="#">Garvin Few</a>		Applicant	<a href="#">Home, 55 Statler Ln NC...</a>	Active

Licensed Professionals Info:	Primary	License Number	License Type	Name	Business Name	Business License #

Job Value: [\\$0.00](#)

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

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

Balance: [\\$0.00](#)

### Custom Fields: PROJECT INFORMATION

Legal Basis for Application	General Description of Variance Request	Ordinance Section
<a href="#">Owner of the Land Affected by the Variance</a>	<a href="#">Request a variance to allow 14 square feet of the structure (front right section) to be inside the 15 foot se 9.2a setback.</a>	<a href="#">9.2a</a>
<a href="#">Ordinance Text (Verbatim) (PDO) Sec. 9.2a Table of Dimensional Requirements and state that the required building setbacks for the R-10 District are: 30' front, 15' side (20' if the side yard faces a street), 25' rear</a>	<a href="#">The purpose of the carport is to protect one car from extreme sun and pine sap while providing the occupant weather protected access into the home. The as-built dimensions of the carport are required to fully cover a medium sized SUV with doors and tailgate open and the Pinehurst provided waste containers at the back of the structure. The location of the back of the structure was determined by the location of the existing outdoor heat pump. The heat pump was installed by previous owners. A detached structure of similar dimension and visual appeal would require the removal of at least 4 large trees along the setback line.</a>	<a href="#">Description of unnecessary hardship that would result from the strict application of the ordinance</a>
<a href="#">Accessory Structure Setback requirements are located in the same table and state that the required setbacks for such structures are 10' from the side and rear property lines. Per PDO Section on SR-108 accessory buildings must be located in the rear or side yard in the R-10 District. In order to be considered "accessory", the structure must not be attached to the principle structure (house). If it is attached, it becomes part of the principle structure.</a>	<a href="#">Explanation of how the requested variance is consistent with the intent of the ordinance</a>	
<a href="#">Description of how the hardship did not result from actions taken by the applicant/owner</a>	<a href="#">One can surmise that the intent of the ordinance is, among other things, to provide a visible, appealing separation between structures on neighboring properties. The structure for which this variance is applied encroaches 2' 9" at the front corner of the structure and diminishes to 0" within 12 ft of the front due to the diagonal nature of the property line. As such, approximately 18 sq ft of a 440 sq ft structure os over the setback line. A detached structure would encroach substantially further with far less visual appeal.</a>	

Workflow Status:	Task	Assigned To	Status	Status Date	Action By
	<a href="#">Appeal Filed</a>		Accepted	07/03/2024	Kimberly Stepnoski
	<a href="#">Review for Completeness</a>	Alex Cameron	Complete	09/20/2024	Michael Mandeville
	<a href="#">Planning Review</a>	Alex Cameron	Complete	09/20/2024	Michael Mandeville
	<a href="#">BOA Notification</a>	Alex Cameron	Hearing Sche...	09/20/2024	Michael Mandeville
	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
	<a href="#">Front of Carport.jpg</a>	PLN_VAR	Photo	View from front of ...	image/jpeg	Uploaded	07/02/2024
	<a href="#">Measure showing tree i...</a>	PLN_VAR	Photo	Tree interference f...	image/jpeg	Uploaded	07/02/2024
	<a href="#">Side of carport showin...</a>	PLN_VAR	Photo	view from side show...	image/jpeg	Uploaded	07/02/2024
	<a href="#">Back of carport.jpg</a>	PLN_VAR	Photo	Showing interferenc...	image/jpeg	Uploaded	07/02/2024
	<a href="#">Survey-Site Plan</a>	PLN_VAR	Plan		application/pdf	Uploaded	07/03/2024
	<a href="#">incomplete determination</a>	PLN_VAR	Other		application/pdf	Uploaded	07/03/2024
	<a href="#">complete determination</a>	PLN_VAR	Other		application/pdf	Uploaded	07/03/2024

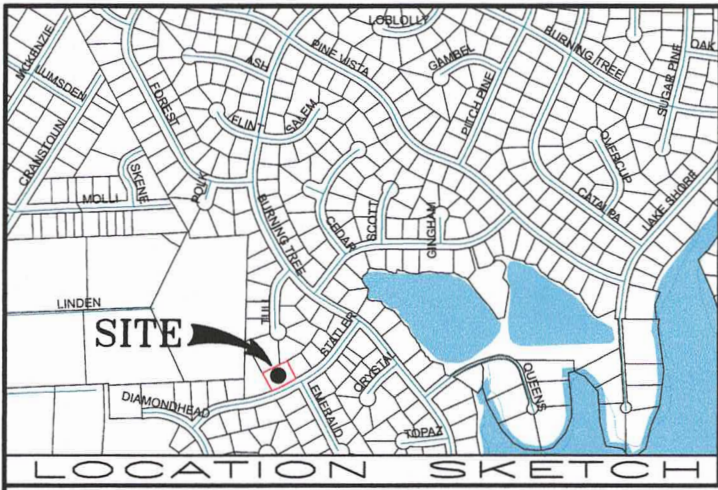
Application Comments:	View ID	Comment	Date

Initiated by Product: ACA

cheduled/Pending Inspections:	Inspection Type	Scheduled Date	Inspector	Status	Comments

Resulted Inspections:	Inspection Type	Inspection Date	Inspector	Status	Comments

Required Inspections:



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:  
DEED BOOK 5684, PAGE 182  
MAP BOOK 10, PAGE 63  
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

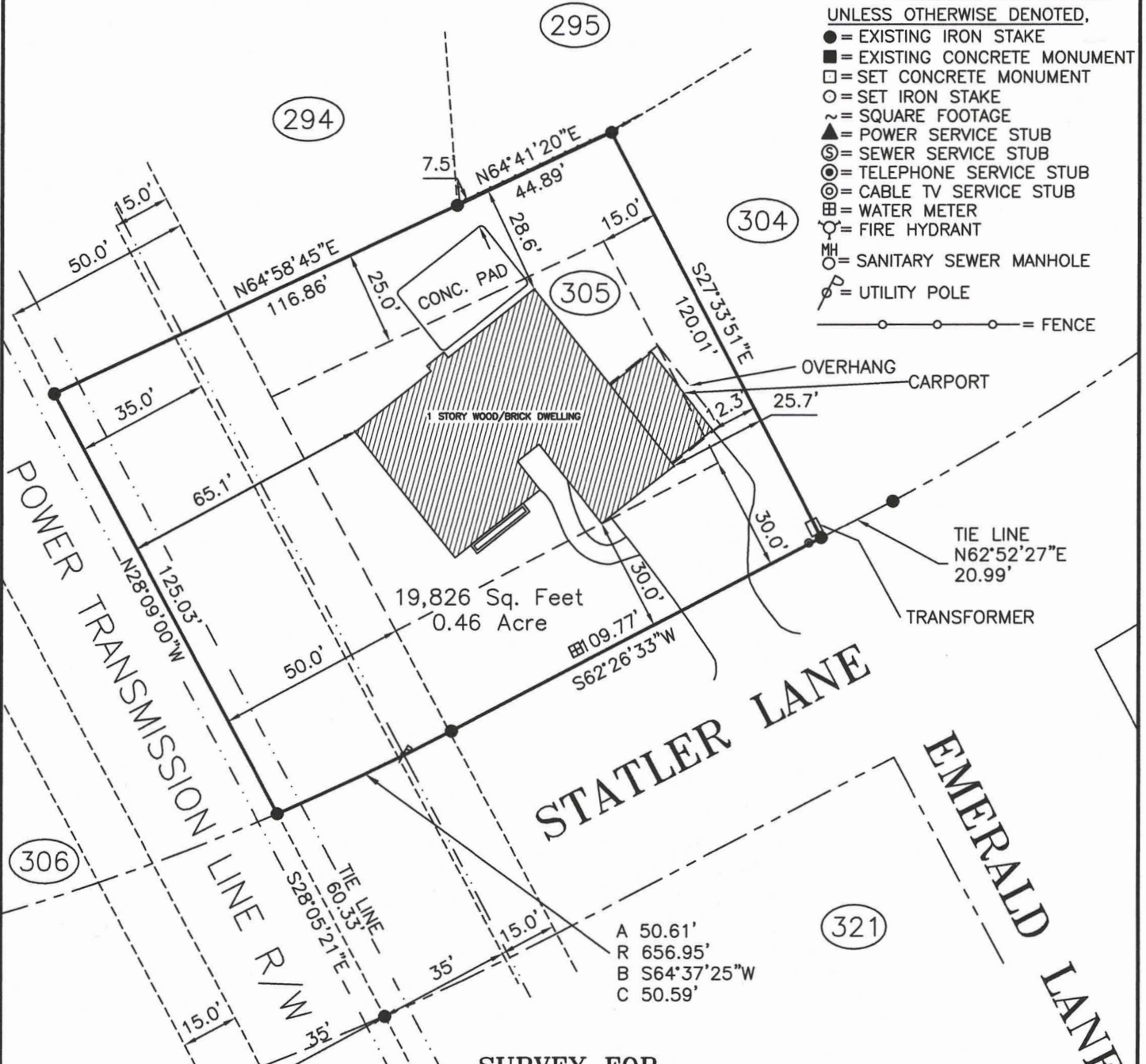


S. R. SHEFFIELD, PLS NO. 1365

DATE: APRIL 22, 2024

UNLESS OTHERWISE DENOTED,

- = EXISTING IRON STAKE
- = EXISTING CONCRETE MONUMENT
- = SET CONCRETE MONUMENT
- = SET IRON STAKE
- ~ = SQUARE FOOTAGE
- ▲ = POWER SERVICE STUB
- ⊙ = SEWER SERVICE STUB
- ⊕ = TELEPHONE SERVICE STUB
- ⊗ = CABLE TV SERVICE STUB
- ⊞ = WATER METER
- ⊚ = FIRE HYDRANT
- MH = SANITARY SEWER MANHOLE
- ⊙ = UTILITY POLE
- = FENCE



**SURVEY FOR  
EARLE G. FEW  
AND WIFE**

**ROBIN FEW**  
LOT NO. 305, UNIT 12, PHASE 2  
PINEHURST, INCORPORATED  
MINERAL SPRINGS TOWNSHIP, MOORE COUNTY,  
PINEHURST, NORTH CAROLINA

APRIL 22, 2024 -- SCALE 1"=40'  
STEPHEN R. SHEFFIELD & ASSOCIATES, P.A.  
1680 NC HWY. 5, SUITE NO. 170  
ABERDEEN, NORTH CAROLINA

0 40 80 120



Exhibit A-3.1







