



**BOARD OF ADJUSTMENT
JUNE 7, 2018
COUNCIL CONFERENCE ROOM
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
5:30 PM**

MINUTES

BOARD MEMBERS IN ATTENDANCE:

Fred Engelfried, Chair
Julia Latham, Vice-Chair
David Kelley, BOA
Mike Marsh, BOA
Leo Santowasso

Staff in Attendance:

Will Deaton, Planning and Inspections Director
Alex Cameron, Senior Planner
Gwendy Hutchinson, Planning and Administrative Assistant

Attorney in Attendance:

John Silverstein, BOA Attorney

Court Reporter:

Sandra Wise, President Starkings Court Reporting

I. Call to Order

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

Chair Engelfried recognized Julia Latham who is Vice-Chair and stated that she will conduct the Public Hearings and the balance of the BOA meeting.

II. Approval of Minutes and Findings of Fact

A. May 3, 2018

Leo Santowasso made a motion to approve the May 3, 2018 Minutes; Mike Marsh seconded the motion, which was unanimously approved.

David Kelley made a motion to approve the Findings of Fact for May 3, 2018 for a variance at 38 Chinguapin Road; Leo Santowasso seconded the motion, which was unanimously approved.

Poll the Board

<i>Leo Santowasso</i>	<i>Yes</i>
<i>David Kelley</i>	<i>Yes</i>
<i>Julia Latham</i>	<i>Yes</i>
<i>Fred Engelfried</i>	<i>Yes</i>
<i>Mike Marsh</i>	<i>Yes</i>

Vice-Chair Latham thanked Chair Engelfried and reminded the Board that the meeting is videotaped and to speak into the microphones.

Chair Engelfried stated that he will need to sign the Findings of Fact with the Village Clerk and he will do so tomorrow.

Upon a motion by Fred Engelfried, seconded by Leo Santowasso, the Board unanimously agreed to recess its regular meeting and enter into Public Hearing No. 1.

III. New Business

The following were sworn in: Alex Cameron, Jeremy Rust, Amanda Frasier, John Bizerik, Charles Showalter, Carolyn Bohan Webber and Bob Farren.

A. Public Hearing No. 1

The purpose of the public hearing is to receive testimony for a variance request from section 9.2a Tables of Dimensional Requirements for the property at 67 Deerwood Lane, further identified by Moore County PID # 00035903. This property is located within the R-10 (High Density Residential) Zoning District. Specifically, the applicant, Jeremy Rust and property owners, John Bizerik & Amanda Fraser are requesting a variance from the 30' Lakefront/Golf Course Setback from the Property Line to allow for the construction of a patio and outdoor fireplace in the rear yard.

Alex Cameron, Senior Planner read portions of the staff report into the record.

Jeremy Rust, applicant and John Bizerki and Amanda Frasier, property owners were present to answer any questions or address any concerns of the Board. Jeromy Rust presented a Power Point presentation.

Upon a motion by Fred Engelfried, seconded by Leo Santowasso, the Board unanimously agreed to close Public Hearing No. 1 and re-enter into the regular meeting.

After discussions, Fred Engelfried made a motion to reopen Public Hearing No. 1; Mike Marsh seconded the motion, which was unanimously approved.

Leo Santowasso made a motion to close Public Hearing No. 1 and re-enter the regular meeting; Fred Engelfried seconded the motion, which was unanimously approved.

Leo Santowasso made a motion that the variance be granted without any conditions; Mike Marsh seconded the motion with an amendment to limit the height of the chimney to seven (7') feet made by Fred Engelfried.

Poll the Board

<i>Leo Santowasso</i>	<i>Approve</i>
<i>David Kelley</i>	<i>Disapprove</i>
<i>Julia Latham</i>	<i>Disapprove</i>
<i>Fred Engelfried</i>	<i>Approve</i>
<i>Mike Marsh</i>	<i>Approve</i>

*John Silverstein, BOA Attorney, stated that the motion passes but the variance is not granted because four affirmative votes are needed to approve a variance.
The vote was 3-2.*

Leo Santowasso made a motion to approve the variance request without any conditions; Fred Engelfried seconded the motion.

Poll the Board

<i>Leo Santowasso</i>	<i>Approve</i>
<i>David Kelley</i>	<i>Disapprove</i>
<i>Julia Latham</i>	<i>Disapprove</i>
<i>Fred Engelfried</i>	<i>Approve</i>
<i>Mike Marsh</i>	<i>Approve</i>

Vice-Chair Julia Latham stated that the motion has passed but the variance is not accepted because we need four (4) positive votes to accept the variance. The vote was 3-2.

Vice-Chair Latham made a motion to approve the variance with the condition that there be no fireplace attached; David Kelley seconded the motion.

Vice-Chair Latham amended her motion that we approve the variance with the condition that the patio not include a fireplace and recognize a 20' setback from the property line; David Kelley seconded the motion.

Poll the Board

<i>Leo Santowasso</i>	<i>Yes</i>
<i>David Kelley</i>	<i>Yes</i>
<i>Julia Latham</i>	<i>Yes</i>
<i>Fred Engelfried</i>	<i>Yes</i>
<i>Mike Marsh</i>	<i>Yes</i>

Vice-Chair Latham stated that a motion has been made and seconded, and carried that the variance be approved with the patio recognizing a 20' setback and not including the fireplace. The vote was 5-0.

Vice-Chair Latham recessed the meeting for five (5) minutes.

Transcript for this request is available in the Planning Department.

B. Public Hearing No. 2

David Kelley made a motion to recess from the regular meeting and enter into Public Hearing No. II; Leo Santowasso seconded the motion, which was unanimously approved.

Mike Tatum, Tatum Builders and property owner was sworn in.

The purpose of the public hearing is to receive testimony for a variance request from section 9.2a Tables of Dimensional Requirements for the property at 4 Peachtree Lane, further identified by Moore County PID # 00032345. This property is located within the R-10 (High Density Residential) Zoning District. Specifically, the applicant and owner, Mike Tatum is requesting a variance from the 30' Lakefront/Golf Course Setback from the Property Line to a 15' setback to allow for the construction of a new single family home.

Alex Cameron, Senior Planner read portions of the staff report into the record.

Tallmadge Scarborough, Attorney for Mr. Tatum and Mike Tatum, property owner and applicant were present to answer any questions or address any concerns to the Board

Bob Farren was present and gave testimony concerning the adjacent golf course property and that the proposed variance would still provide more than adequate distance from the golf course property.

Ms. Carolyn Webber, adjacent property owner questioned what impact would the new construction have on her property.

David Kelley made a motion to close Public Hearing No. 2 and re-enter the regular meeting; Leo Santowasso seconded the motion, which was unanimously approved.

David Kelley made a motion to approve the variance with no conditions; Leo Santowasso seconded the motion.

Poll the Board

<i>Leo Santowasso</i>	<i>Yes</i>
<i>David Kelley</i>	<i>Yes</i>
<i>Julia Latham</i>	<i>Yes</i>
<i>Fred Engelfried</i>	<i>Yes</i>
<i>Mike Marsh</i>	<i>Yes</i>

Vice-Chair Latham stated that a motion has been made and seconded, and carried that the variance be approved with no conditions. The vote was 5-0.

- IV. Next Meeting Date
 - A. July 5, 2018
- V. Adjournment

Leo Santowasso made a motion to adjourn the meeting, seconded by David Kelley. The Board unanimously agreed to adjourn the meeting at 7:13 p.m.

Respectfully submitted,



Gwendy Hutchinson
Planning and Administrative Assistant
Village of Pinehurst