



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

The Board of Adjustment held a Meeting at 5:30 p.m., Thursday, June 6, 2019, in the Assembly Hall, at 395 Magnolia Road, Pinehurst, North Carolina. The following Board members were in attendance:

Julia Latham, Chair
Leo Santowasso, BOA Member
David Kelley, BOA Member
Joel Shriberg, BOA Member
Mike Marsh, BOA Member

BOA Member Absent:

Jeremy Hooper, BOA Alternate

Staff in Attendance:

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

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

1. Call to Order

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

2. Approval of Minutes

May 2, 2019 Draft Minutes

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

3. Motion to Enter a Public Hearing

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

4. Public Hearing #1

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

Ms. Latham asked if any of the Board members had concerns about their ability to participate in discussion of this hearing and if any member had any ex parte communication with the applicant. The Board unanimously stated that they were able to participate.

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

Alex Cameron, Senior Planner, stated the purpose of the public hearing is to receive testimony for a variance request from section 9.2a Tables of Dimensional Requirements for the property at 5 Firestone Drive, further identified by Moore County PID # 00025019. This property is located within the R-30 (Medium Density Residential) Zoning District. Specifically, the owners Mary and Richard Reithaler, are requesting a variance from the 60' Lakefront/Golf Course Setback to allow for the construction of an addition that will encroach approximately 12' into the required setback. Mr. Cameron read portions of the staff report into the record and confirmed that the adjacent property owners were notified and the property was properly posted.

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

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

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

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

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

- A. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;
- B. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance;

- C. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship;
- D. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

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

Roll call vote:

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

7. Motion to Enter a Public Hearing

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

8. Public Hearing #2

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

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

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

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

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

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

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

10. Discuss and Consider Variance to Increase Impervious Surface

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

- A. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;
- B. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance;
- C. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship;
- D. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

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

Roll call vote:

Ms. Latham	Yes
Mr. Marsh	Yes

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

11. General Business

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

12. Next Meeting Date

July 11, 2019

13. Motion to Adjourn

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

Respectfully Submitted,



Beth Dunn
Village Clerk
Village of Pinehurst

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

The Village of Pinehurst is a charming, vibrant community which reflects our rich history and traditions. Mission: Promote, enhance, and sustain the quality of life for residents, businesses, and visitors. Values: Service, Initiative, Teamwork, and Improvement.