



**BOARD OF ADJUSTMENT
JUNE 2, 2022
ASSEMBLY HALL**

PINEHURST, NORTH CAROLINA

- I. Call to Order
- II. Approval of Minutes
 - A. 01-06-2022 Regular Meeting Minutes

- III. Public Hearing

- A. PLN-2022-00089 (4 Blair Ct. Variance)

The purpose of the public hearing is to receive testimony for a variance request from Section 9.2a Table of Dimensional Requirements for the property addressed as 4 Blair Court, further identified by Moore County PID # 00014492. This property is located within the R-10 (High Density Residential) Zoning District. Specifically, the owners Anthony and Mary Wildt, are requesting a variance from the 30' Minimum Golf Course Setback.

- IV. General Business
- V. Next Meeting Date
 - A. July 7, 2022 (If the Board has business)
- VI. 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.



**01-06-2022 REGULAR MEETING MINUTES
ADDITIONAL AGENDA DETAILS:**

FROM:

Shannon Konstantinou

CC:

Darryn Burich; Alex Cameron

DATE OF MEMO:

5/17/2022

MEMO DETAILS:

Attached is a draft copy of the 01-06-2022 Regular Meeting minutes for your review.

ATTACHMENTS:

Description

📎 01-06-2022 Regular Meeting Minutes



**BOARD OF ADJUSTMENT
REGULAR MEETING
THURSDAY, JANUARY 06TH, 2022
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
04:30 PM**

Board Members Present:

David Alzamora, Chair
Jeremy Hooper
Phillip Shumaker
Jack Farrell
Matt Jones, Alternate

Board Members Absent:

Julia Latham

Staff Present:

Alex Cameron, Planning Supervisor
Shannon Konstantinou, Clerk to the Board

Approximately 2 member(s) of the public in attendance.

I. Call to Order

Mr. Alzamora called the meeting to order at 04:29 PM, confirmed a quorum was present, introduced the Board, and explained the purpose of this meeting.

II. Approval of Minutes

A. 12-02-2021 Regular Meeting Minutes

Mr. Farrell moved to approve the minutes of the December 02nd, 2021 Regular Meeting. Seconded by Mr. Hooper. Approved by a vote of 4-0.

III. Next Meeting Date

A. 02-03-2022 Regular Meeting (If Board Has Business to Conduct)

The Board and Mr. Cameron discussed whether there was potential future business for the Board and the importance of the Board remaining up-to-date with information needed to decide cases presented.

IV. Motion to Adjourn

Mr. Hooper moved to adjourn the Regular Meeting. Seconded by Mr. Farrell. Approved by a vote of 4-0 at 04:34 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.

Mission: Promote, enhance, and sustain the quality of life for residents, businesses, and visitors.

Values: Service, Initiative, Teamwork, and Improvement.

DRAFT



PLN-2022-00089 (4 BLAIR CT. VARIANCE)

ADDITIONAL AGENDA DETAILS:

The purpose of the public hearing is to receive testimony for a variance request from Section 9.2a Table of Dimensional Requirements for the property addressed as 4 Blair Court, further identified by Moore County PID # 00014492. This property is located within the R-10 (High Density Residential) Zoning District. Specifically, the owners Anthony and Mary Wildt, are requesting a variance from the 30' Minimum Golf Course Setback.

FROM:

Alex Cameron

DATE OF MEMO:

5/25/2022

MEMO DETAILS:

Please, see the attached items related to this public hearing.

ATTACHMENTS:

Description

- ☐ Staff Exhibits S-1 to S-3
- ☐ Applicant Exhibits A-1 to A-3
- ☐ Applicant Exhibit A-4



PLANNING AND INSPECTIONS DEPARTMENT STAFF REPORT

To: Zoning Board of Adjustment
From: Alex Cameron, Planning Supervisor
CC: Darryn Burich, Planning and Inspections Director
 Alfred Cassidy, Senior Planner
 Maria Carpenter, Planner
 Shannon Konstantinou, Administrative Specialist
Date: May 26, 2022
Subject: **Variance Request for 4 Blair Ct.**

Applicant:	Anthony & Mary K. Wildt
Owners:	Anthony & Mary K. Wildt
Property Location:	4 Blair Ct.
Parcel Size:	11,500 square feet or +/- 0.265 acres
PID#	00014492
Zoning:	R-10 (High Density Residential)
Golf Course Setback:	30 Feet
Proposed Setback:	+/- 20 Feet (existing encroaching patio setback)
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 +/- 20' minimum golf course setback on a rear lot line abutting the golf course. The 30' minimum golf course setback is applied due to the fact that the golf course borders the rear lot line of the subject property (see attached map). The remaining applied setbacks are a front (off cul-de-sac) 30' setback and two side 15' setbacks.

The subject lot (102) was created as part of the subdivision titled *Phase 2 Unit 11 Page 2 of 3* by Pinehurst, Inc. in June of 1973 as indicated on Map Book 11 Page 18 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 1981 and the property was purchased by the current owner in May of 2009. The property is approximately 11,500 square feet in area or just over a quarter acre in size which does meet the minimum lot size of the R-10 Zoning District.

The rear of the subject property borders a wooded area outside of the field of play for Pinehurst Resort Course No. 1 which is zoned RD (Recreational Development District). The surrounding lots along the cul-de-sac were also created as part of the original subdivision, with the exception of one vacant lot, and include single family homes all built from the mid to late 1980's.

The current home features a patio to the rear in the area subject to this variance request. The patio is approximately 13' by 17' in size. The owners wish to construct a sunroom addition within the existing patio footprint. The patio is a legal non-conforming structure encroaching into the setback. Per Section 2.3.3 (E) of the PDO, the non-conforming patio may exist and could be enlarged so long as the encroachment was not extended and the structure did not further encroach. However, the patio is not permitted to be roofed and walled if the patio is the furthest projection into the setback which is the case with this proposal. Therefore, this request is to permit an addition to the main home under roof and walled within the existing encroaching patio footprint. This would allow for a +/- 20' principal building golf course setback at the rear of the property.

A survey has not yet been provided by the applicant but they have indicated one is likely to be presented at the time of the hearing.

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 2 Unit 11 Lot 102
- Exhibit S-3 – Deed of Ownership

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 – Photos of Existing Conditions of the Home, Patio and Area
- Exhibit A-3.1 – Letter from Pinehurst, Inc.
- Exhibit A-3.2 – Letter from the Owner's Contractor

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_____

**FINDINGS OF FACT OF THE ZONING BOARD OF ADJUSTMENT
FOR THE VILLAGE OF PINEHURST, NORTH CAROLINA**

VARIANCE FOR 4 BLAIR COURT

June 02, 2022

**Anthony & Mary K. Wildt
4 Blair Court
Pinehurst, NC 28374**

RE: Variance request from section 9.2a Tables of Dimensional Requirements for the property at 4 Blair Court, further identified by Moore County PID # 00014492. This property is located within the R-10 (High Density Residential) Zoning District. Specifically, the applicant and owners, Anthony & Mary K. Wildt request a variance from the 30' Golf Course Setback to allow for the construction of an addition in the existing nonconforming patio footprint.

Dear Mr. and Mrs. Wildt,

This letter serves as the written decision of the Board of Adjustment for the Village of Pinehurst for the variance request referenced above. This memorandum is to inform you that the Village of Pinehurst Zoning Board of Adjustment held a public hearing on **June 02nd, 2022** where the board considered all evidence submitted and testimony given by the parties, and voted to **approve/deny** the variance request for property at **4 Blair Court** with the following findings of fact and conclusions of law:



HISTORY, CHARM, AND SOUTHERN HOSPITALITY_____

- (A) Unnecessary hardship would **result/not 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/does not result** 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;

- (C) The hardship **did/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;



HISTORY, CHARM, AND SOUTHERN HOSPITALITY_____

(D) The requested variance **is/is not** consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

Conditions (If imposed by the Board):

DRAFT



HISTORY, CHARM, AND SOUTHERN HOSPITALITY_____

The foregoing Findings of Fact and Conclusions of Law are to be based on the Official Record in the proceeding that is made up of the official transcripts, meeting video and any documentary evidence submitted within the course of the proceeding.

Any person aggrieved by the decision of the Board of Adjustment may appeal to Superior Court; the appeal should be filed with the Court within 30 days after the Board's decision is filed in the office of the Planning and Inspections Department. You may contact the Planning Department to request a copy of the filed decision. If appealed, Superior Court shall review the record and shall have the power to affirm or reverse the Board's decision or remand the case back to the Board of Adjustment for further review and/or findings.

This is the **2nd** day of **June, 2022**.

David Alzamora
Chair of the Board of Adjustment

Ruling filed with the Village of Pinehurst:

DATE

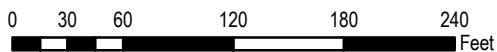
Shannon Konstantinou
Clerk to the Zoning Board of Adjustment

I, _____, a Notary Public for North Carolina do hereby certify that David Alzamora, Chairperson of the Board of Adjustment, Village of Pinehurst, personally appeared before me this day and acknowledged the foregoing document. Witness my hand and official seal this the ____ day of _____.

 Notary Public

Seal

My Commission expires: _____



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). P:\esri\Bases Map for Boards.mxd 5/11/2022

June 2, 2022
Board of Adjustment
4 Blair Ct Variance Request





HISTORY, CHARM, AND SOUTHERN HOSPITALITY_____

**NOTICE OF PUBLIC HEARING
VILLAGE OF PINEHURST**

Dear Property Owner:

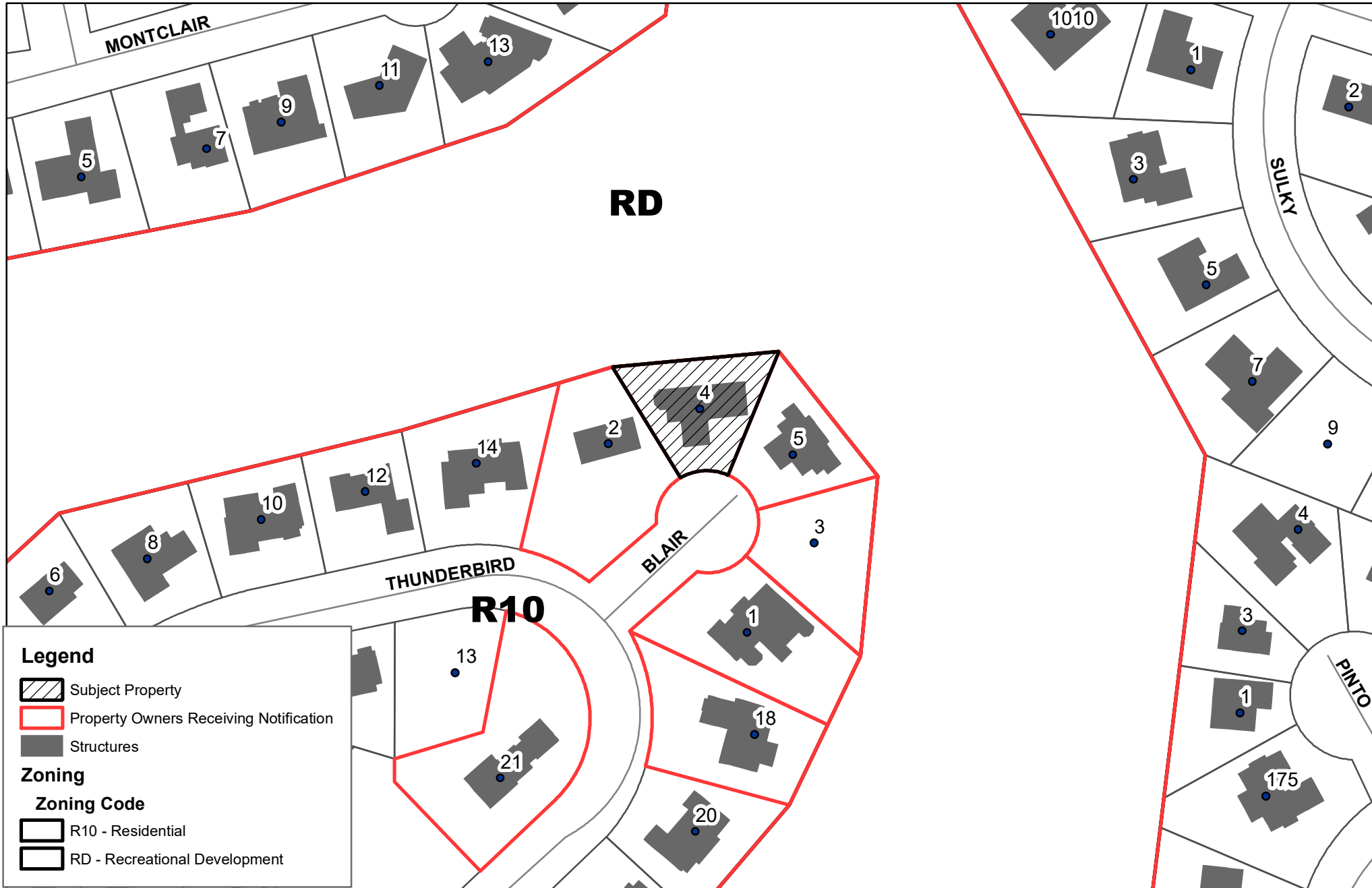
The Village of Pinehurst Board of Adjustment (BOA) will hold a Public Hearing on Thursday, June 2, 2022 at 4:30 PM in Village Assembly Hall 395 Magnolia Road, Pinehurst, NC. The meeting will be streamed in real-time on the Village's website, at <https://www.vopnc.org/our-government/live-stream>, for public viewing/listening and video-recorded for future reference.

The purpose of the public hearing is to receive testimony for a variance request from Section 9.2a Tables of Dimensional Requirements for the property addressed as 4 Blair Court, further identified by Moore County PID # 00014492. This property is located within the R-10 (High Density Residential) Zoning District. Specifically, the owners Anthony and Mary Wildt, are requesting a variance from the 30' Minimum Golf Course Setback.

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/>.

All persons wishing to participate will be required to provide sworn testimony during the public hearing and will be limited to present factual evidence on the request and be made a matter of record. For more information, please call (910) 295- 2581.

Public Hearing Notification Map **EXHIBIT S-1.11**



0 37.5 75 150 225 300 Feet

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June 2, 2022
Board of Adjustment
4 Blair Ct Variance Request



EXHIBIT S-1.12

WILDT ANTHONY L & MARY K
4 BLAIR CT
PINEHURST NC 28374

YOO GI-NA MARSHALL THOMAS
JAMES
1 BLAIR CT
PINEHURST NC 28374

BEATTY ROBERT TILLSON BEATTY
MARILYN LOUISE
910 SAINT ANDREWS DRIVE
PINEHURST NC 28374

BERZACK DOUGLAS L BERZACK JANET
M
2 BLAIR CT
PINEHURST NC 28374

RESORTS OF PINEHURST INC ATTN:
RICHARD HIGGINBOTHAM
PO BOX 4000
PINEHURST NC 28374

MAYFIELD ALLEN R JR MAYFIELD
SUZANNE D
21 THUNDERBIRD CIR
PINEHURST NC 28374

PARKHILL PATSY A
18 THUNDERBIRD CIRCLE
PINEHURST NC 28374-9410

TIDWELL JAMES D TIDWELL PATRICIA
T
5 BLAIR COURT
PINEHURST NC 28374

EXHIBIT S-2

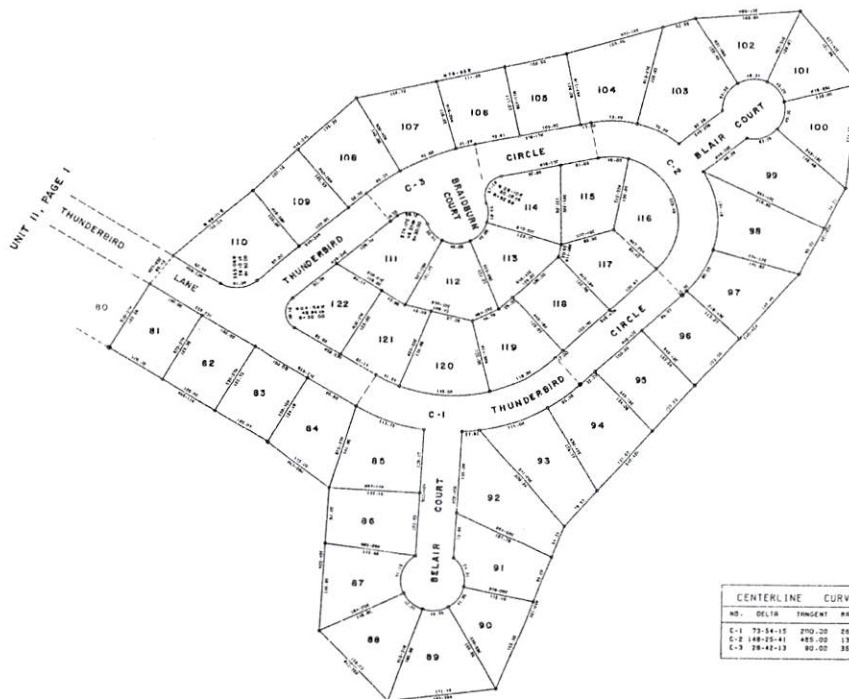
Plat of Subdivision of 100 P.
to 78.16 A. in the
County of Moore, State of North Carolina
1978, 1st Book
of Deeds

NORTH CAROLINA-MOORE COUNTY

Public

NOTARY PUBLIC

NOTARY PUBLIC



CENTERLINE CURVE DATA				
NO.	DELTA	TANGENT	RADIUS	LENGTH
C-1	73-54-15	210.20	266.87	342.84
C-2	149-25-41	485.00	137.11	325.20
C-3	38-42-13	80.00	351.76	176.22

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 4th DAY OF June A.D., 1973.



Mont B. Gilmore
LAND SURVEYOR
REGISTRATION NUMBER L1402

SWORN TO AND SUBSCRIBED BEFORE ME, THIS 4th DAY OF June A.D., 1973.



Philip M. Underly
NOTARY PUBLIC

MY COMMISSION EXPIRES December 21, 1977.

PINEHURST, INCORPORATED RESERVES UNTO ITSELF, ITS SUCCESSORS AND ASSIGNS, ALL RIGHTS 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.

- NOTE . . .
1. ALL RIGHT OF WAYS ARE 50 FEET UNLESS OTHERWISE NOTED.
 2. ALL CUL-DE-SAC WIDTH ARE 50 FEET UNLESS OTHERWISE NOTED.
 3. ALL BEARINGS SHOWN REFER TO THE NORTH CAROLINA STATE COORDINATE GRID SYSTEM.

- LEGEND . . .
- DENOTES IRON PIPE
 - DENOTES CONCRETE MONUMENT
 - CONTROL CORNER

PINEHURST, INCORPORATED

MOORE COUNTY, NORTH CAROLINA
MINERAL SPRINGS TOWNSHIP

PHASE 2, UNIT II
PAGE 2 OF 3 PAGES

SCALE 1" = 100' JUNE 1973

MOORE, GARDNER & ASSOCIATES, INC.
CONSULTING ENGINEERS
PINEHURST, NORTH CAROLINA

FOR REGISTRATION REGISTER OF DEEDS

Judy D. Marlin
Moore County, NC

May 29, 2009 04:41:38 PM

Book 3579 Page 49-50

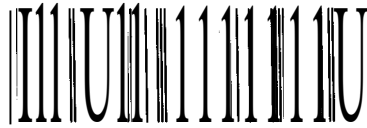
FEE: \$17.00

NC REVENUE STAMP: \$690.00

INSTRUMENT# 2009008321

LC

Husby



INSTRUMENT # 2009008321

This Instrument Prepared By:
H. Craig Phifer, III
Clarke, Phifer, Foyles & McNeill, PLLC
135 Applecross Road
Pinehurst, North Carolina 28374

**STATE OF NORTH CAROLINA
COUNTY OF MOORE**

GENERAL WARRANTY DEED

THIS DEED, made this 6th day of May, 2009 by **J. Frederick Van Vranken Jr., Widower and Unremarried**, Grantor, to **Anthony L. Wildt and wife, Mary K. Wildt**, Grantee;

Tax Address:

\$ t! LR'j. R<L, J JJQ, a g 671—
WfTN Es s ETH:

That said Grantor, for 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 that certain lot, tract or parcel of land situate in Mineral Springs Township, Moore County, North Carolina, and more particularly described as follows:

BEING all of Lot 102, Unit 11, Phase 2, of the property of Pinehurst, Incorporated, as shown on plat thereof recorded in the Office of the Register of Deeds of Moore County, North Carolina, in Map Book 11, Pages 17-19.

This conveyance made subject to: (i) utility easements of record; (ii) ad valorem taxes for the current year, which taxes shall be prorated as of the date of closing; and (iii) unviolated restrictive covenants that do not materially affect the value of the property.

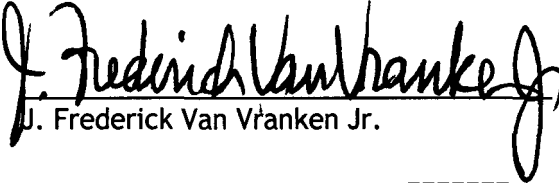
And being the same property conveyed to Grantor by Deed, in Book 2989, Page 44, Moore County Registry, Carthage, North Carolina.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee that 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 Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions noted herein.

The designation Grantor and Grantee as used herein shall include said parties, 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 the day and year first above written.

 (SEAL)
J. Frederick Van Vranken Jr.

=====

COUNTY OF Schenectady
STATE OF NEW YORK

I certify that the following person(s) personally appeared before me this day and I have personal knowledge of the identity of the principal(s) or have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a [] driver's license or _____, or a credible witness has sworn to the identity of the principal(s); each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:
Name of Principal(s): **J. Frederick Van Vranken Jr.**

Date: 5/14/2009

RYANG HUH
Notary Public, State of New York
[OFFICIAL SEAL] 01HU6149646
Qualified in Nassau County
Commission Expires 07/17/2011


Notary Public
RYANG HUH
Printed or typed name of Notary Public
My Commission Expires: 07/17/2011

**Variance**

Fee: \$500

(Revised 09/2019)

Variance Information

The variance process administered by the Zoning Board of Adjustment is intended to provide relief from the zoning requirements of the Pinehurst Development Ordinance (PDO) in those cases where strict application of a particular zoning requirement will create an unnecessary hardship prohibiting the use of land in a manner otherwise allowed. It is not intended that variances be granted merely to remove inconveniences or financial burdens that zoning requirements may impose on property owners in general. Rather, it is intended to provide relief where the zoning requirements render the land difficult or impossible to use because of some unique physical attribute of the property itself, or some other factor unique to the property for which the variance is requested. Please refer to Section 5.1 of the PDO for the requirements of a variance.

When unnecessary hardships would result from carrying out the strict letter of this ordinance, the Board of Adjustment shall vary any of the provisions of this ordinance upon a showing of all of the following:

- (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.

An application for a variance may be filed only by the owner of the land affected by the variance; an agent or contract purchaser specifically authorized by the owner to file such application; or any unit of government which is not the owner of the lot but proposes to acquire the lot by purchase, gift, or condemnation. Where an agent, or contract purchaser files the application, the agent, or contract purchaser shall provide the Village with written documentation that the owner of the property has authorized the filing of the application.

This application must be completed in full and submitted with the associated fee listed in the Village's Fees and Charges Schedule, which can be accessed at www.vopnc.org/Home/ShowDocument?id=10100.

Property Address	
Street Address	4 Blair Court
City, State, Zip Code	Pinehurst, NC 28374
Parcel ID #	14492 , ID #856218309719

**Variance**

Fee: \$500

(Revised 09/2019)

Owner Information

Name	Anthony & Mary Wildt	Home Phone #	910-235-4654
Street Address	4 Blair Court	Mobile Phone #	571-241-5923
City, State, Zip Code	Pinehurst, NC 28374	Business Phone #	910-978-7766
Email	wildtfam@gmail.com		

Applicant

Name	Anthony & Mary K Wildt	Other Phone #	910-235-4654
Email	wildtfam@gmail.com	Street Address	4 Blair Court
Mobile Phone #	571-241-5923	City, State, Zip Code	Pinehurst, NC 28374

General Information

Legal Basis for Application	☐ Agent or Contract Purchaser Authorized by the Property Owner ☐ Government Agency Proposing to Acquire Land Affected by the Variance ☒ Owner of the Land Affected by the Variance
General Description of Variance Request	In accordance with Ordinance 9.2a. Table of Dimensional Requirements Golf Course Setback from the Property Line R-10 Zoning District, we request a variance to roof and enclose an existing patio to permanently resolve a serious, continuing water problem that damages our home's structure, basement and foundation. Our patio is canted to drain toward the house and rainwater flows to the foundation. The golf course is 2-feet higher and slopes toward our home. A variance will enable us to move the patio drainage 13' away from our foundation.
Ordinance Section Reference	9.2a Table of Dimensional Requirements
Ordinance Text (Verbatim)	Lakefront/Golf Course Setback from the Property Line R-10 Zoning District 30'

**Variance**

Fee: \$500

(Revised 09/2019)

Description of unnecessary hardship that would result from the strict application of the ordinance	Our home suffers from ongoing water damage, and we need to stop it. Damage is evident in our basement on the walls and floor. We replaced part of the wooden structure of the house and treated for termites because of the continuing dampness where we have the drainage issue. The patio slopes toward the house and rain collects there because it has no place to drain. In addition, the golf course is 2' higher than our property, so while we cannot stop all runoff, it will help to stop the patio water. Our proposed solution is to prevent the water that falls on the 13' x 17' patio from collecting and draining into the foundation by roofing the patio, enclosing the walls and diverting that water 13' away from our home.
Description of how the hardship results from conditions that are peculiar to the property, such as location, size, or topography	Our home backs onto Pinehurst Course #1 at the point where the course makes an almost 90 degree turn at holes 14 and 15. We are sited 75' off the golf course and field of play with about 80 long-leaf pines between the course and our home. Per the County GIS map, the course is 2' higher than our home, so there is runoff toward us. Water drainage issues caused, and continue to cause, serious structural problems because an attached patio slopes toward the house, instead of away. Rainwater collects and has no place to run off. Double doors to the patio sagged because the wood support beam rotted and was replaced, but this will continue to occur unless we remedy it. The full basement walls on the north-facing side show signs of water damage and settling from water seepage. Dampness near the foundation attracts termites, and part of the wooden structure of the house in the area of the drainage issue, was replaced and treated.
Description of how the hardship did not result from actions taken by the applicant or the property owner	The home and attached patio were constructed about 28 years before the Wildts purchased the home in 2009. The patio sloped toward the house when they bought it. Over the past 13 years, the Wildts replaced the wooden beam under the patio double doors, treated for termites, replaced window well covers, and improved gutter drainage and installed additional yard drains. They cannot remedy the patio drainage toward the home without the approval of this variance.
Explanation of how 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	As residents of Pinehurst, we believe that keeping property in good repair is as important to the Village of Pinehurst as it is to us. Granting the requested variance will enable us to stop further and continued deterioration of our home due to a condition, namely the sloped patio, for which we have no other remedy and which we did not cause. No trees will be removed, and the patio is edged by two 5' camellias and two 4 1/2' gardenias that will remain.

Required Documents☐ Written authorization of the property owner (If not filed by owner)**Certification**

I hereby certify that the information contained in this application is accurate and complete. I also confirm that I have read and understand the criteria that must be met in order to receive approval for a variance.

Applicant Signature: Anthony & Mary Wildt *Mary Wildt* Date: April 11, 2022



EXHIBIT A-2.1



EXHIBIT A-2.2



EXHIBIT A-2.3



EXHIBIT A-2.4



EXHIBIT A-2.5



EXHIBIT A-2.6



EXHIBIT A-2.7



EXHIBIT A-2.8



EXHIBIT A-2.9

2x10-10 25-100
ALUMINUM PINE SPIDER

EXHIBIT A-2.10



EXHIBIT A-2.11

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EXHIBIT A-2.12



North & South
Men's Amateur
Since 1901

North & South
Women's Amateur
Since 1901

PGA Championship
1986

Ryder Cup Matches
1951

U.S. Amateur Championship
1961, 2008

Winged Girl Ornament
Hunt for the AMF Classic
1988

V.S. "X" "L" "S"
U.S. Junior Championship
1989

The Tour Championship
1991, 1992

U.S. Senior
Open Championship
1991

U.S. Open Championship
1999, 2005, 2014

U.S. Women's
Open Championship
2014

U.S. Amateur Four-Ball
1991

U.S. Amateur Championship
2014

U.S. Open Championship
2014

December 2, 2021

Mr. Larry Postlethwaite
Home RX, LLC
P.O. Box 216
Pinehurst, NC 28370

RE: 4 Blair Court

Dear Mr. Postlethwaite:

Upon review of the submitted drawings and documentation, Pinehurst, LLC has no objections to the proposed variance.

If you should have any questions, feel free to contact us.

Sincerely,

Richard Higginbotham
Senior Vice President and CFO



PO Box 216
Pinehurst, NC 28370
910-580-1193 mobile
910-215-8023 office

Pinehurst Appeal board

April 5, 2022

Regarding the property of Mr. and Mrs. Anthony Wildt

4 Blair Ct.

Pinehurst, NC 28374

I am providing this letter in support of Mr. and Mrs. Anthony Wildt's project to enclose the patio on the rear of their home with a structure and skylights at 4 Blair Court in Doral Woods. The rear of the home faces to the north on Pinehurst Golf Course #1 with more than 80 Long-leaf pines in the more than 75 feet between the fairway and their patio and home. The Wildts have a hardship reason for their proposal to enclose the existing patio. The patio is canted toward the house, so all rainwater from the patio drains to the house, per the Moore County GIS map.

The water drainage issue causes a serious structural problem. The house has a full basement, and the basement walls on the north-facing side of the house show signs of damage and settling from water seepage. Another water-related issue is that dampness near the house foundation attracts termites. Part of the wooden structure of the house has been replaced and termite treatment has been applied in the location of the drainage issue. Obviously, the Wildts wish to prevent future recurrence of these issues.

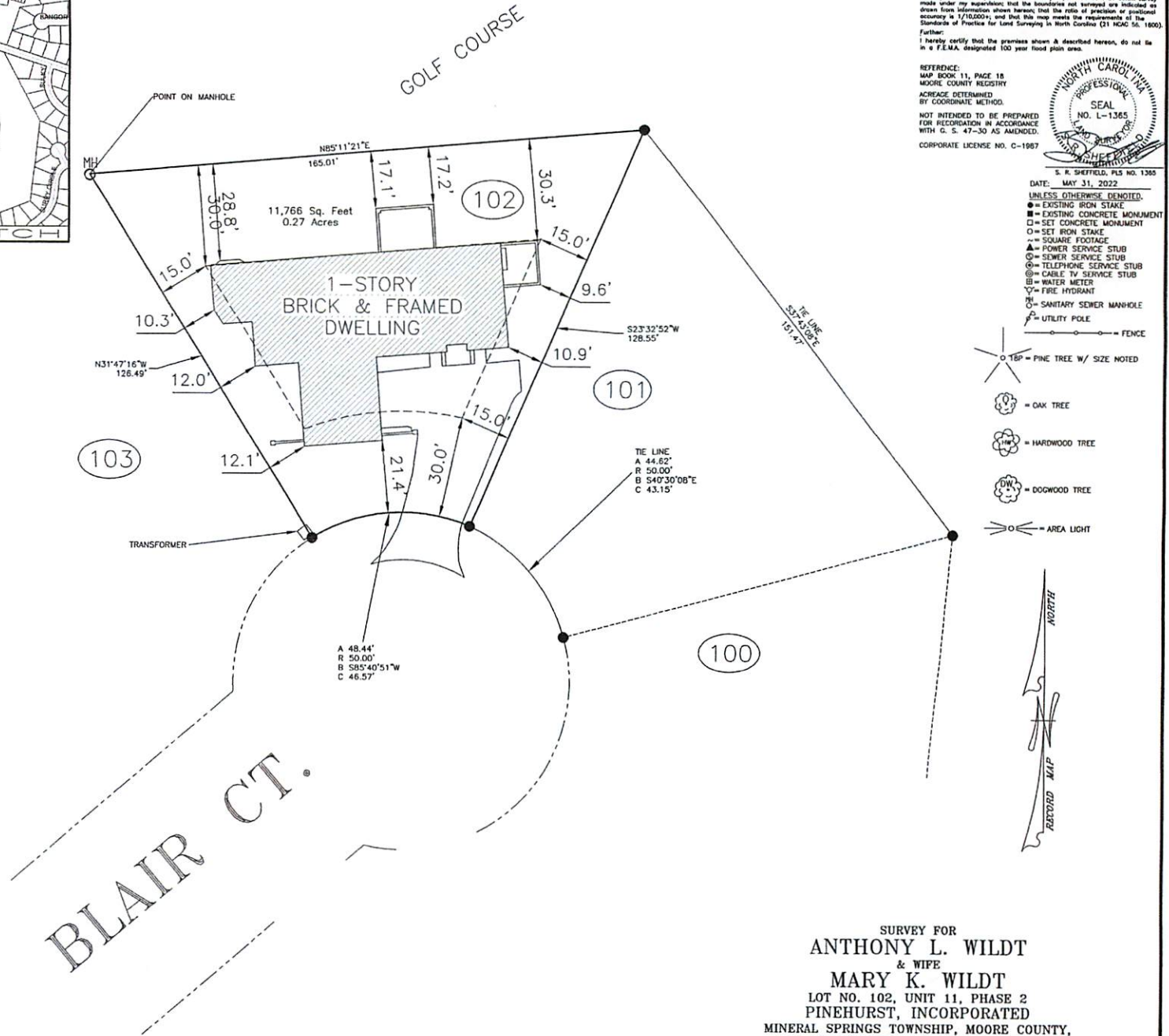
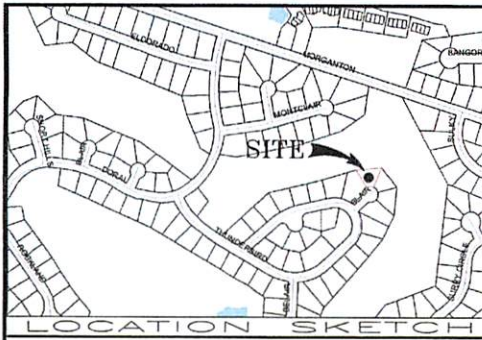
The Wildts contacted me some months ago, and I agreed to take on the project. I believe that the patio was most likely constructed in 1981 when the house was built and was constructed within the existing requirements of that time when there were no setback requirements or Village of Pinehurst zoning ordinances.

Upon applying for a construction permit for this project, the Wildts were advised of the non-conforming status of the patio. The Wildts were advised that approval could only be received through the appeal process.

Based on a lifetime career in home construction and remodeling, I concur that the water issue will continue to cause additional damage to the Wildt's residence and should be alleviated. I have considered the ways to accomplish *this*; it is my opinion that the only fix that would permanently resolve this problem is to roof the patio, thereby moving the drainage 13 feet (the depth of the patio) away from the foundation of the structure.

Lany Postlethwaite/Home RX LLC

EXHIBIT A-4



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