



**BOARD OF ADJUSTMENT
SPECIAL MEETING (ELECTRONIC)
WEDNESDAY, MAY 27, 2020
ZOOM MEETING PLATFORM &
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
4:00 PM**

Board Members Present:
Julia Latham, Chair
Leo Santowasso, Vice Chair
Joel Shriberg
Cyndie Burnett
Jeremy Hooper

Board Members Absent:
None

Staff Present:
Darryn Burich, Planning and
Inspections Director
Alex Cameron, Senior Planner
Kelly Brown, Administrative
Assistant

I. Call to Order

Chair Latham called the meeting to order at 4:00 pm. The meeting was held electronically using the virtual meeting platform Zoom, in order to comply with the governor's executive order addressing the COVID-19 pandemic. She confirmed a quorum was present with Mr. Santowasso physically present in Assembly Hall and the rest of the Board participating virtually.

II. Public Hearing

Mr. Santowasso moved to re-enter into Public Hearing No. 1. Seconded by Ms. Burnett. Motion carried by a vote of 5-0.

Ms. Latham stated this hearing for a variance request at 10 Rockland Lane was originally heard by the Board on May 7, 2020 and was continued to May 27, 2020 to allow the applicant time to submit a revised site plan to the Board for their consideration.

Mr. Cameron stated that the purpose of the public hearing was to receive testimony for a variance request from Section 9.2a Tables of Dimensional Requirements for the property addressed as 10 Rockland Ln., further identified by Moore County PID # 00029602. This property is located within the R-10 (High Density Residential) Zoning District. Mr. Cameron stated the applicant and owner, Kirk Adkins of Ennismore Properties, LLC originally requested a variance from the 30' golf course setback to allow for a 15' setback, but amended his request during the May 7th meeting to allow for a 25' setback. Mr. Cameron entered the exhibits Q-T into the record.

Mr. Adkins submitted to the Board a revised site plan showing the proposed floor plan flipped. He stated the flipped floor plan did not fit within the building envelope; it encroached 3.43' into the setback and was 26.75' away from northern property line. Mr. Adkins stated 32 square feet of the house encroached into the setback. Mr. Santowasso disputed the calculation stating 35.2 square feet of house encroached into the setback. Mr. Adkins stated safety was enhanced by flipping the floor plan, as the proposed driveway was a safer distance away from stop sign intersection of Doral Drive and Rockland Lane. He stated the flipped floor plan now had the golf cart garage entrance facing the golf

cart entrance of 20 Rockland Lane. Mr. Adkins acknowledged the house would be seen going south on Doral Drive and voluntarily added architectural features to the left side elevation to enhance curb appeal.

Ms. Burnett compared the houses in the neighborhood to the proposed house plan. She stated the lot sizes and building square footages were similar. She stated most existing houses are one-story, but the width and depth of existing houses were larger than the proposed house plan. She stated it would be difficult for Mr. Adkins to build a one-story house on the lot that matched the size of existing houses due to the setback.

Upon question by Mr. Hooper, Mr. Adkins stated he worked with the designer and was not able to reduce and building footprint without changing the floor plan, which would have been costly.

Derek Alty of 270 Doral Drive did not support the variance request. He disputed that a hardship existed and was concerned about the size, height, and neighborhood congruity of the proposed house.

Jim Plankar of 30 Rockland Lane did not support the variance request. He disputed the application information provided by Mr. Adkins about the setbacks of neighboring houses.

Peggy Raney of 275 Doral Drive was concerned about the size of the house and how it would fit into the neighborhood.

Mr. Adkins provided reasoning for his variance request:

- 1) The property is unique in that it has three sides with 30' setbacks. He stated these three setbacks created a building envelope on which a house with only a width of approximately 45' could be built. If the variance was not granted and it would mandate a house being built which is incongruent with the style of homes in the neighborhood.
- 2) The property is the last lot to the north of Rockland Lane. He stated there is no house or neighbor to the north that would be impacted by this variance. He stated land to the north is owned by Pinehurst Resort. Mr. Adkins stated he received a letter from Bob Farren of Pinehurst LLC stating no objection to the variance request.
- 3) This hardship did not occur due to any action taken by Mr. Adkins. The lot is only 12,377 square feet. Changing the setback would allow the house design that is appropriate for the neighborhood, as it cannot be built on the current building envelope
- 4) The north property line of the lot of which the setback variance is being requested is not in the field-of-play. It is 184 feet away from the halfway house. Consequently, the variance request is within the intent, purpose and spirit, and poses no issue to public safety.

Mr. Santowasso moved to close Public Hearing No. 1 and re-enter the regular meeting. Seconded by Mr. Hooper. Motion carried by a vote of 5-0.

The Board discussed the size and height of the proposed house, the concerns of the neighbors, and congruity of the proposed house within the neighborhood. Upon the concern of Mr. Hooper, the Board discussed the hardship of this variance request. Mr. Santowasso proposed a condition that the site plan be revised to show the correct square footage of the house encroachment into the setback.

Mr. Santowasso moved to approve the variance request for the property at 10 Rockland Lane for a 25 foot setback with the following findings of fact and conclusions of law:

- 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;

Hardship results due to the fact that there are two applicable 30' golf course setbacks on the lot with another 30' front setback therefore making a total of three 30' setbacks on the lot

- 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;

The lot is peculiar to the fact that it is a corner lot. has two 30' golf course setbacks in addition to the front 30' setback and the curvature of the road creates a smaller building footprint not similar to other lots in the neighborhood

- 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;

The zoning regulations were placed on the lot after the lot was created and prior to the property owner purchasing the property which create more restrictive conditions that further limit the building placement

- 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.

The submitted house plans allow for a more safe driveway location, promote the general character of the neighborhood and helps preserve the existing view shed and vistas of the adjacent golf course

With the condition that encroachment area is corrected to 35.2 square feet and that house plan and foot print is mandated to be constructed as submitted. Seconded by Ms. Burnett. Motion failed by a vote of 5-0.

Roll Call

Shriberg	No
Santowasso	No
Burnett	No
Hooper	No
Latham	No

The Board discussed the condition that the applicant build the house plan as submitted.

Mr. Santowasso moved to approve the variance request for the property at 10 Rockland Lane for a 25 foot setback with the following findings of fact and conclusions of law:

- 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;

Hardship results due to the fact that there are two applicable 30' golf course setbacks on the lot with another 30' front setback therefore making a total of three 30' setbacks on the lot

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- 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;

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- 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.

The submitted house plans allow for a more safe driveway location, promote the general character of the neighborhood and helps preserve the existing view shed and vistas of the adjacent golf course

With the condition that the home which is to be built on the lot is reflective of the submitted material labeled as "EXHIBIT S", Sheets 1-6 inclusive. Seconded by Mr. Shriberg. Motion carried by a vote of 4-1.

Roll Call

Shriberg	Yes
Santowasso	Yes
Burnett	Yes
Hooper	No
Latham	Yes

A. Next Meeting Date

- a. **Regular Meeting on June 4, 2020** (If the Board has business to conduct)

Mr. Cameron stated there would be no business before the Board.

B. Motion to Adjourn

Mr. Hooper moved to adjourn the meeting. Seconded by Mr. Santowasso. Motion carried by a vote of 5-0 at 5:50 pm.

Respectfully Submitted,



Kelly Brown
Administrative Specialist
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.