



**BOARD OF ADJUSTMENT
MAY 7, 2020
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA**

4:00 P.M.

- I. Call to Order
- II. Public Hearing

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 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. Specifically, the applicant and owner, Kirk Adkins of Ennismore Properties, LLC, is requesting a variance from the 30' golf course setback to allow for a 15' setback.

III. Next Meeting Date

- A. 06-04-2020 Regular Meeting (If the Board has business to conduct)

IV. 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.



PUBLIC HEARING NO. 1
ADDITIONAL AGENDA DETAILS:

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 10 Rockland Ln., further identified by Moore County PID # 00029602. This property is located within the R-10 (High Density Residential) Zoning District. Specifically, the applicant and owner, Kirk Adkins of Ennismore Properties, LLC, is requesting a variance from the 30' golf course setback to allow for a 15' setback.

FROM:

Alex Cameron

CC:

Darryn Burich & Kelly Brown

DATE OF MEMO:

4/30/2020

MEMO DETAILS:

Please see the attached documents related to this public hearing

ATTACHMENTS:

Description

- ☐ Exhibit A - Staff Report
- ☐ Exhibit B - Original Subdivision Plat
- ☐ Exhibit C - Applicant's Consent for Electronic Meeting
- ☐ Exhibit D - Minutes and Transcript from April 17, 2003 BOA Hearing
- ☐ Exhibit E - Online Application for Variance
- ☐ Exhibit F - Recent Deed
- ☐ Exhibit G - Survey with Setbacks
- ☐ Exhibit H - GIS Map of the Neighborhood
- ☐ Exhibit I - GIS Map of the Neighborhood with Structure Footprints
- ☐ Exhibit J - GIS Map with Approximate Measurement of Adjacent Property Structure
- ☐ Exhibit K - Photo of the Property Facing East
- ☐ Exhibit L - Photo of the Property Facing South
- ☐ Exhibit M - Photo of the Center of the Property Facing East
- ☐ Exhibit N - Photo of the Property Facing North
- ☐ Exhibit O - Letter from Pinehurst LLC
- ☐ Exhibit P - Building Plans and Site Plan



PLANNING AND INSPECTIONS DEPARTMENT STAFF REPORT

To: Zoning Board of Adjustment
From: Alex Cameron, Senior Planner
CC: Darryn Burich, Planning and Inspections Director
 Kelly Brown, Administrative Specialist
Date: April 30, 2020
Subject: Variance Request for 10 Rockland Lane

Applicant:	Kirk Adkins
Owners:	Ennismore Properties, LLC
Property Location:	10 Rockland Lane
Parcel Size:	12,377 square feet or 0.28 acres
PID#	00029602
Zoning:	R-10 (High Density Residential)
Golf Course Setback:	30 Feet
Proposed Setback:	15 feet (side setback)
Current Land Use:	Vacant Single Family Residential
Proposed 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 15' minimum golf course setback on a side lot line abutting the golf course. The 30' golf course setback is applicable to this property due to the fact that the golf course borders the subject property along two lot lines, to the north and east. The lot line to the north is the property line subject to this request and would be considered a side yard for the vacant property. The property line to the east is the rear lot line. The applicant proposes a 15' setback which is consistent with the side setback requirement of the R-10 Zoning District when the property does not border a golf course and is consistent with the setback on the opposite side of the property.

The subject lot is part of a subdivision by Pinehurst, Inc. in 1973 as indicated on a map recorded with the Moore County Register of Deeds in Map Book 11, Page 19 and is shown as lot 147 of Phase 2, Unit II (attached) and is one of the last few remaining vacant lots of the original subdivision. Records from the Moore County Tax Department and Register of Deeds indicate that the property was

purchased by the current owner in March earlier this year. The lot is approximately 0.28 acres in size or 12,377 square feet which is more than the minimum 10,000 square foot lot size of the R-10 Zoning District. The subject property is adjacent to Pinehurst Resort Course No. 1 which is zoned RD (Recreational Development District.) The subject property is also adjacent to one existing single family residence that was built around 1981. The other single family residences nearby, which are also part of the original subdivision, are all zoned R-10. Most of the existing residences appear to have been built anywhere between the mid 1980's and early 1990's.

The area of the golf course which borders the lot line of the requested variance is currently wooded, contains a halfway house or comfort station and does not appear to be in the field of play. With the 30' golf course setback being applied to both the north side lot line and the rear lot line, the property will have three 30' setbacks as the front setback for the R-10 Zoning District is also 30'. The remaining south side lot line will have a 15' side setback. The applicant has not submitted a proposed house plan or footprint with this application.

A previous property owner and applicant applied for and had a variance request heard by the Zoning Board of Adjustment in a special meeting on April 17, 2003. The applicant requested to vary the then 30' golf course setback in favor of a 15' setback as well. After holding a public hearing and considering all sworn testimony, the Board voted to deny the variance request. Per Section 5.1.7 (B) of the Pinehurst Development Ordinance, the Zoning Board of Adjustment shall not hear a variance request that has previously been denied, unless it finds that there have been substantial changes in the conditions or circumstances relating to the matter. The Board will need to determine if the application is substantially different from the previous request or that circumstances have changed relative to this request in order to move forward and hear the application. This application does include different material than was included with the previous request. The transcript and minutes of the April 17, 2003 meeting is included and submitted as Exhibit D.

Along with this report (Exhibit A) staff has included the following labeled exhibits for review and consideration of the Board:

- Exhibit B – Original Subdivision Plat
- Exhibit C – Applicant's Consent for Electronic Meeting
- Exhibit D – Minutes and transcript from April 17, 2003 Hearing

The applicant has submitted the following labeled exhibits for review and consideration by the Zoning Board of Adjustment:

- Exhibit E – Application for Variance
- Exhibit F – Deed
- Exhibit G – Survey indicating both the 30' golf course setback and the proposed 15' setback
- Exhibit H – Map image of Neighborhood from Moore County GIS (Geographic Information System)
- Exhibit I – GIS map of Neighborhood with structure footprints
- Exhibit J – GIS map Image with approximate measurement of adjacent property location from shared side lot line

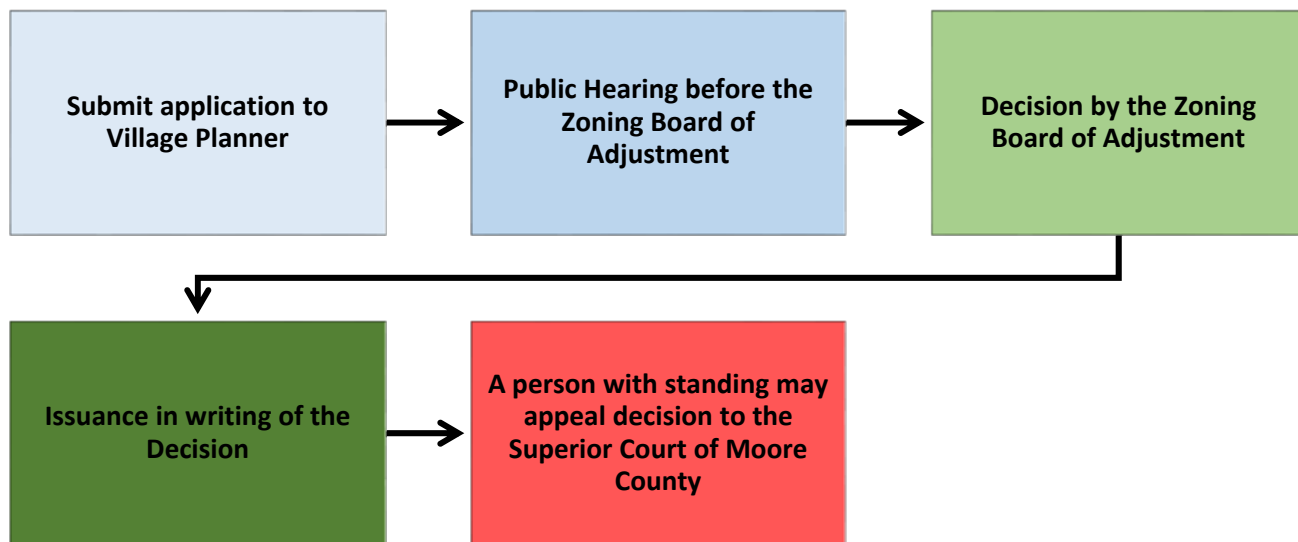
EXHIBIT A

- Exhibit K – Photo of the property from the north lot line facing the golf course to the east
- Exhibit L – Photo of the property from the south lot line facing adjacent residential property
- Exhibit M – Photo of the center of the property facing the golf course
- Exhibit N – Photo of the property from the north lot line facing the golf course to the north
- Exhibit O – Letter from the Director of Golf Course and Ground Management of Pinehurst Resort

Variance and Evidentiary Hearing Process:

The Variance Process 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 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 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.

Requests for variances are quasi-judicial decisions of the Board and therefore require an evidentiary hearing. 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 limits 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. The applicant and other witnesses will be sworn in and can provide factual testimony to the Board on the application. 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.



Action by the Zoning Board of Adjustment:

In considering the application, the Zoning Board of Adjustment shall hold a public hearing. The Board will review application materials, the general purpose and standards set forth for the granting of variances, and all testimony and evidence received by the Zoning Board of Adjustment at the public hearing;

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) Conduct an additional public hearing on the application;
- (4) Grant the requested variance;
- (5) Deny the requested variance;
- (6) Grant the requested variance with conditions. In granting any variance, the Zoning 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 by resolution, accompanied by written findings of fact that the variance meets or does not meet each of the standards set forth in Standards of Review below, 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.

Standards of Review

The Zoning Board of Adjustment shall not grant a variance unless and until it makes the following findings:

- (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;
- (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.

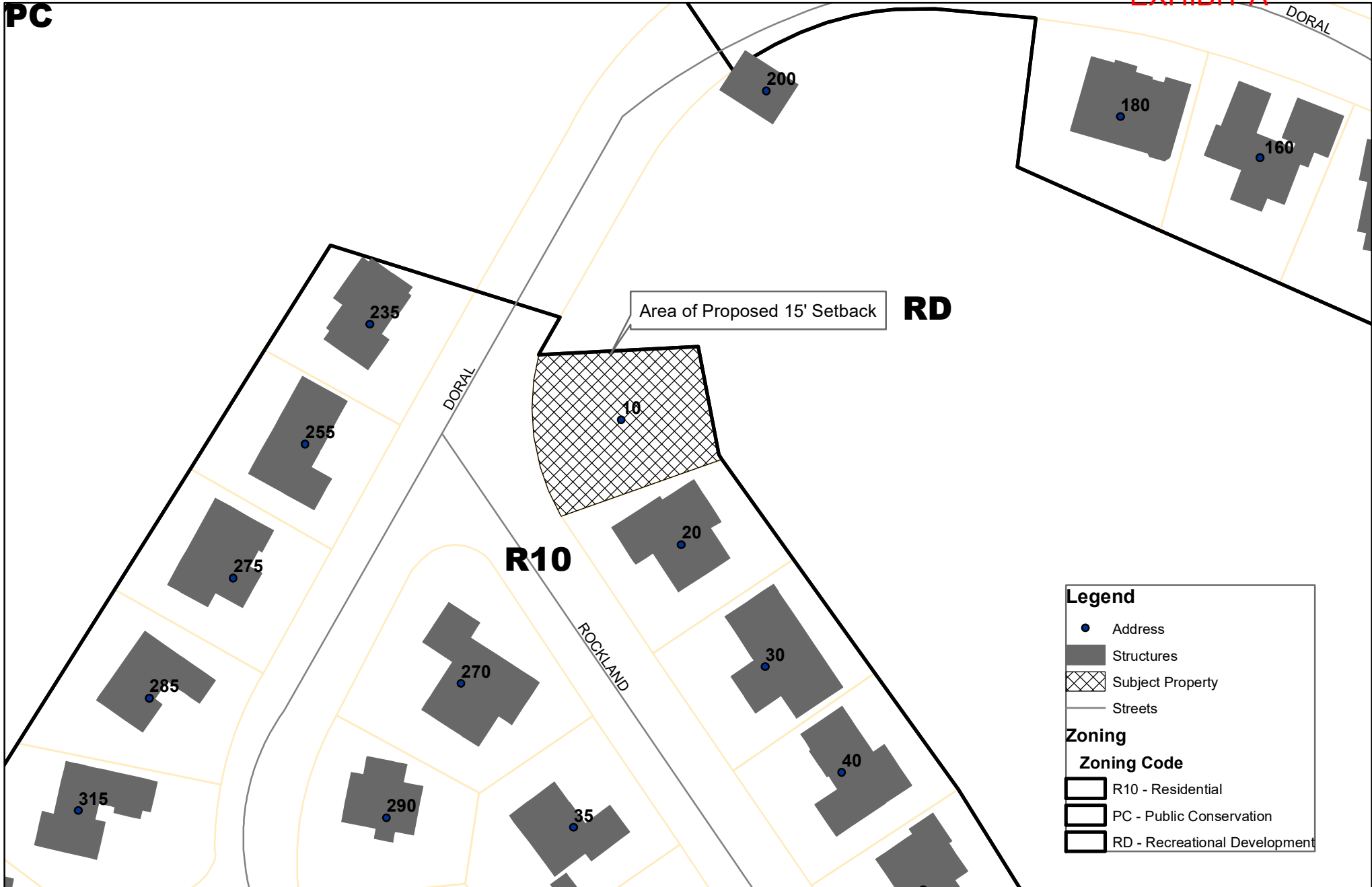
Attachments to Staff Report (Exhibit A)

- Area Zoning Map
- Aerial Map
- Adjacent Property Owner Notification
- Labels of Property Owners Notified
- Map of Adjacent Property Owners Notified
- Certification of Adjacent Property Owner Notification
- Draft Findings of Fact

Area Zoning Map

EXHIBIT A

PC



0 25 50 100 150 200 Feet

May 7, 2020
Zoning Board of Adjustment
Variance Hearing



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 4/23/2020

Aerial Map

EXHIBIT A



NC Center for Geographic Information & Analysis

0 25 50 100 150 200 Feet

May 7, 2020
Zoning Board of Adjustment
Variance Hearing



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HISTORY, CHARM, AND SOUTHERN HOSPITALITY

**NOTICE OF PUBLIC HEARING
VILLAGE OF PINEHURST****April 23, 2020****Dear Property Owner:**

The Village of Pinehurst Board of Adjustment (BOA) will hold a Special Meeting and a Public Hearing on Thursday, May 7, 2020 at 4:00 PM. Members of the BOA and staff will be participating electronically and remotely via the virtual meeting platform ZOOM. The meeting will be streamed in real-time on the Village's website, at www.vopnc.org, 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 10 Rockland Ln., further identified by Moore County PID # 00029602. This property is located within the R-10 (High Density Residential) Zoning District. Specifically, the applicant and owner, Kirk Adkins of Ennismore Properties, LLC, is requesting a variance from the 30' golf course setback to allow for a 15' 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. However due to COVID-19, Village Hall is currently not allowing walk-ins or same day appointments. If you want to view the case information in-person, an appointment must be made 24 hours in advance by contacting (910) 295-2581. 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 be heard must attend this meeting electronically or be present during the public hearing to provide sworn testimony on the public hearing so that the facts are presented and made a matter of record. Members of the public that wish to participate remotely to provide sworn testimony on the public hearing will need to contact the Clerk to the Board at kbrown@vopnc.org or (910) 295-8660 in order to receive information and instructions to login into the ZOOM meeting.

While Village leaders strongly encourage the public to view and participate electronically, Assembly Hall, located at 395 Magnolia Road, will be open to members of the public to view the meeting and those who wish to participate and provide testimony in person. If you cannot attend or participate virtually, a viewing area and access to join the ZOOM meeting, for official participation will be provided at Village Assembly Hall, 395 Magnolia Road Pinehurst, North Carolina. Please be mindful that staff will have to limit the number of people attending in-person to 10 individuals, to be compliant with Governor Cooper's executive order. Staff strongly encourages that the Stay-At-Home Order be respected if possible, and to only attend in-person if it is the only option available to you. For more information, please call (910) 295- 2581.

EXHIBIT A

SCHOENER, JAMES M & BRENDA N
786 COUNTRY CLUB DR
SAINT CLAIR SHORES MI 48082

ALTY, DEREK
8316 135 ST NW
CANADA T5R087

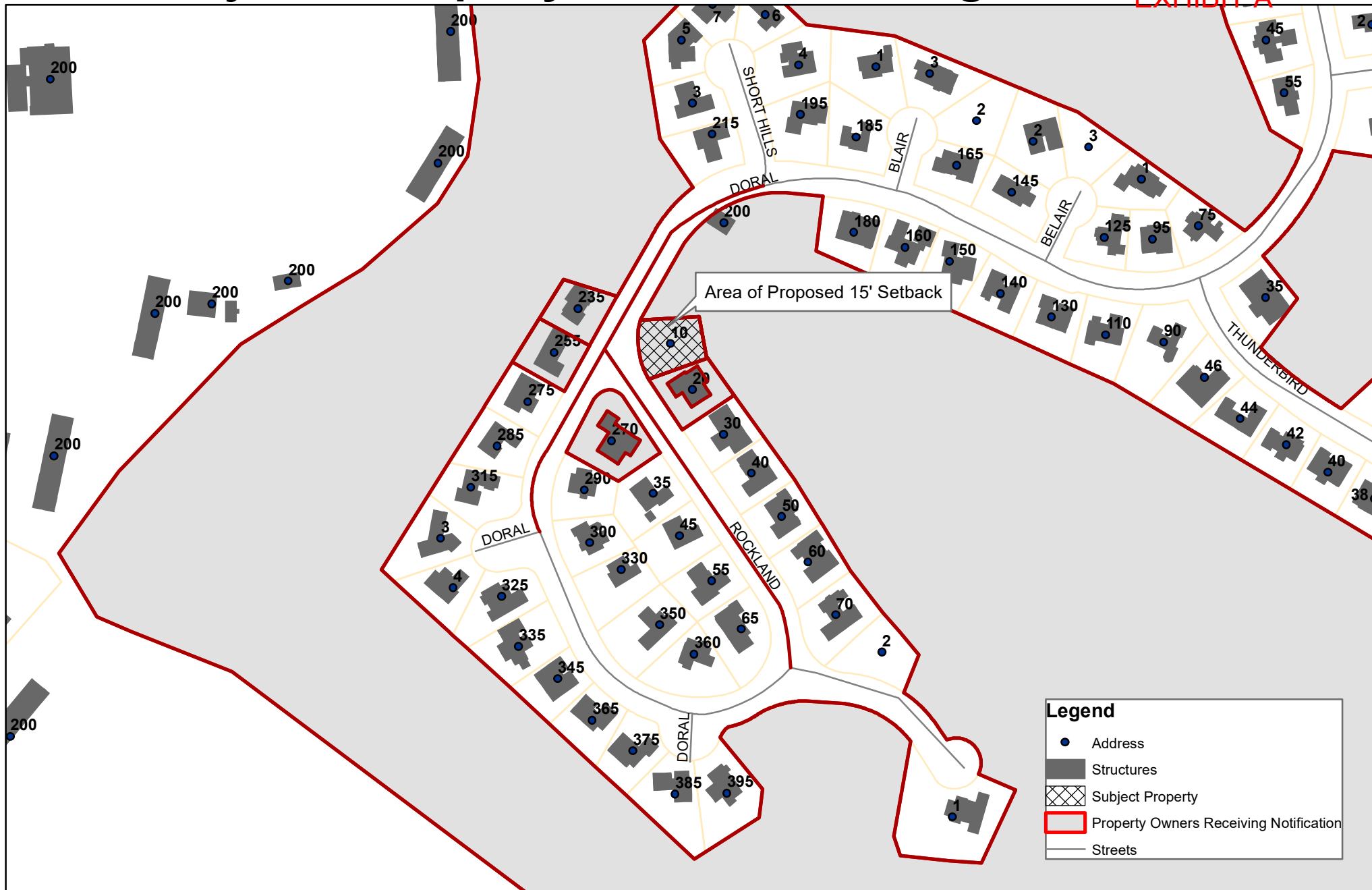
WILT, DONNA WILT, STEVE
20 ROCKLAND LANE
PINEHURST NC 28374

BARON, WILLIAM L & DOROTHY A
235 DORAL DR
PINEHURST NC 28374

RESORTS OF PINEHURST INC ATTN:
RICHARD HIGGINBOTHAM
PO BOX 4000
PINEHURST NC 28374
POWERSKI, VINCENT G POWERSKI,
ANITA L
255 DORAL DRIVE
PINEHURST NC 28374

Adjacent Property Owners Receiving Notification

EXHIBIT A



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May 7, 2020
Zoning Board of Adjustment
Variance Hearing





CERTIFICATION OF ADJACENT PROPERTY OWNER NOTIFICATION

Board:

- ☐ Planning and Zoning Board
- ☐ Historic Preservation Commission
- ☒ Board of Adjustment

Meeting Date:

May 7, 2020

I, certify that all adjacent property owners were properly notified of public hearings for the following properties in accordance with state and local law:

**10 Rockland Lane
Pinehurst, NC 28374**

Date Notice Was Mailed:

April 24, 2020

Date Property Was Posted:

April 23, 2020

Alex Cameron
Village Planner



HISTORY, CHARM, AND SOUTHERN HOSPITALITY

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

VARIANCE FOR 10 ROCKLAND LN.

May 7, 2020

**Ennismore Properties, LLC
Kirk Adkins
70 Carolina Vista
Pinehurst, NC 28374**

RE: Variance request from section 9.2a Tables of Dimensional Requirements for the property at 10 Rockland Lane, further identified by Moore County PID # 00029602. This property is located within the R-10 (High Density Residential) Zoning District. Specifically, the applicant and owner, Kirk Adkins of Ennismore Properties, LLC is requesting a variance from the 30' Golf Course Setback to allow for a 15' Setback.

Dear Mr. Adkins,

This letters 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 **May 7, 2020** where the board considered all evidence submitted by the parties and voted to **approve/deny** the variance request for property at **10 Rockland Lane** with the following required findings of fact and conclusions of law:



- (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;

- (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 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 *7th* day of *May* 2020.

Julia Latham
Chair of the Board of Adjustment

Ruling filed with the Village of Pinehurst:

DATE

Kelly Brown
Clerk to the Zoning Board of Adjustment

I, _____, a Notary Public for North Carolina do hereby certify that Julia Latham, 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

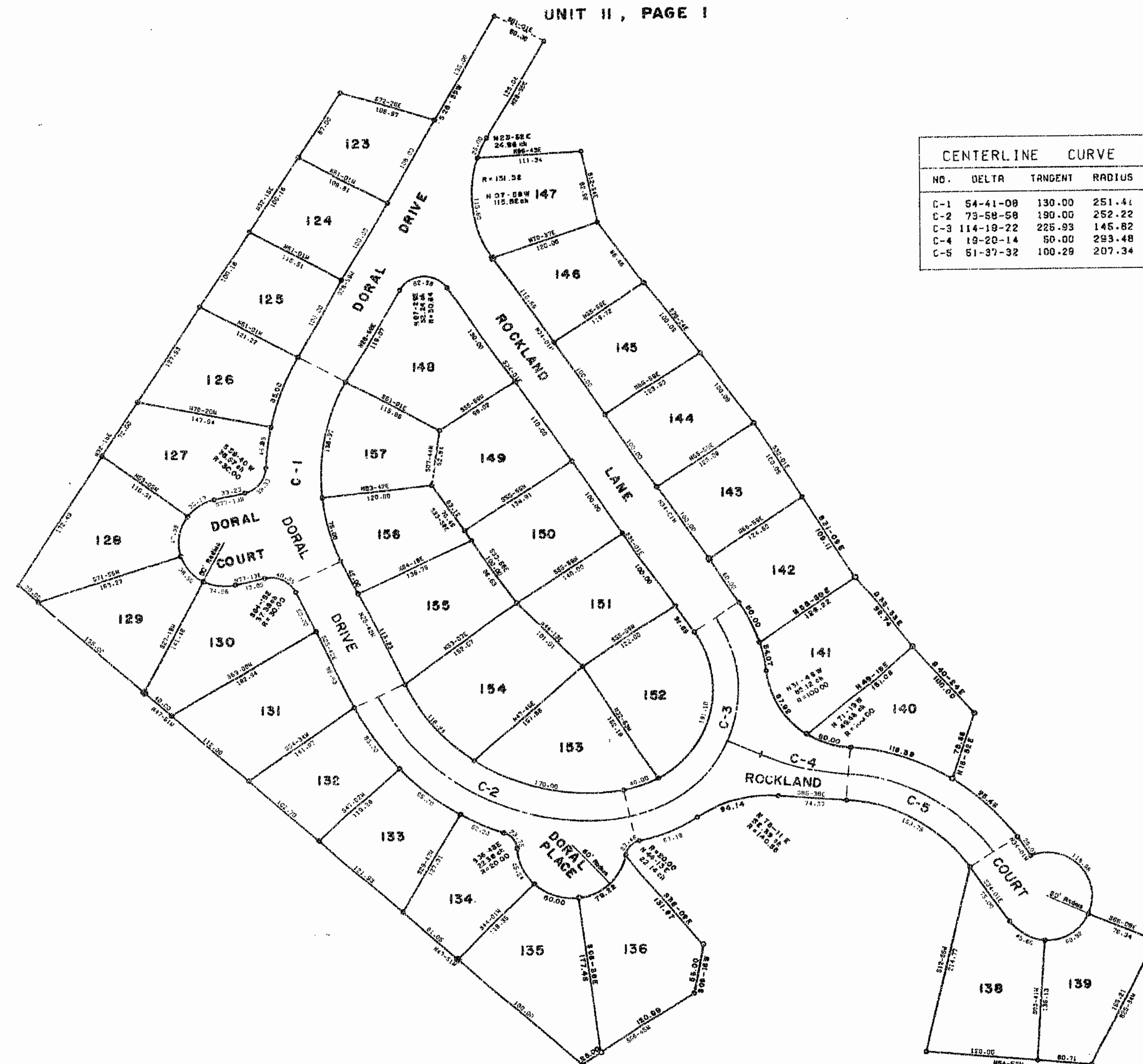
Seal

My Commission expires: _____

Filed for registration 1:00 P.M.
June 21, 1973, in the
Register of Deeds Office of Moore
County, North Carolina
Book 106, Page 14
in Book
106, Page 14
Register of Deeds

MOORE COUNTY, NORTH CAROLINA
The following is a true and correct copy of the original map as filed for registration in the Register of Deeds Office of Moore County, North Carolina, on June 21, 1973, at 1:00 P.M.
Witness my hand and seal this 21st day of June, 1973.
Register of Deeds

UNIT II, PAGE I



CENTERLINE CURVE DATA				
NO.	DELTA	TANGENT	RADIUS	LENGTH
C-1	54-41-08	130.00	251.41	239.06
C-2	75-58-59	190.00	252.22	325.87
C-3	114-19-22	225.93	145.82	290.96
C-4	19-20-14	50.00	293.48	99.05
C-5	51-37-32	100.29	207.34	186.82

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. Haley
NOTARY PUBLIC

MY COMMISSION EXPIRES December 27, 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 WAY ARE 60 FEET UNLESS OTHERWISE NOTED.
2. ALL CUL-DE-SAC RADII ARE 60 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 3 OF 3 PAGES

SCALE 1" = 100' JUNE 1973

100 0 100 200

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



**CONSENT TO CONDUCT THE REQUIRED PUBLIC HEARING
ELECTRONICALLY**

Board:

- ☐ Planning and Zoning Board
☐ Historic Preservation Commission
☒ Board of Adjustment

Meeting Date:

May 7, 2020

The Village Council of the Village of Pinehurst, in order to comply with North Carolina Governor Roy Cooper's Executive Order 121 banning gatherings over 10 during the State of Emergency to address the Coronavirus (COVID19) public health emergency, passed Resolution #20-08 authorizing appointed boards to conduct electronic meetings.

I consent to participate and have the required public hearing held electronically for the application at:

**10 Rockland Ln.
Pinehurst, NC 28374
PID #00029602**

Name

Signature

Date

KIRK AAKINS

4/23/2020

**Board of Adjustment
Meeting Minutes
April 17, 2003**

395 Magnolia Road, Pinehurst, NC 28374

- 1) **Call to Order of the Regular Meeting (4:00 p.m.)**
Chairman June Jeffreys called the meeting to Order. Board members present: June Jeffreys, William Spence, Fred B. Griffith, Andrew L. O'Brien and Robert L. Hyatt. John Bakos and Betty O. Sapp were present as alternates and did not vote. Staff present: Jack Clayton, Attorney for the Board, Bruce Gould, Planner and Gwendy Hahn Weiser, Administrative and Planning Assistant. Cynthia Hall, RPR
- 2) **Approval of the March 20, 2003 Meeting Minutes**
Chairman Jeffreys asked for a motion to dispense with the reading of the minutes and to accept the minutes as presented. Mr. Griffith made a motion to approve the meeting minutes; Mr. Spence seconded the motion and it passed.
- 3) **Remarks from the Chairman:**
June Jeffreys reminded everyone presenting evidence would be asked to do so under oath. Any decision of the Board of Adjustments may be appealed to the Superior Court of North Carolina. I will go over the guidelines that we must work under. The standards for obtaining a variance are fairly strict. We don't have the power to change the zoning ordinance in the Board of Adjustments in order to grant a variance. There should be no reasonable use of the property without the variance, the hardship cannot be self-created and the hardship is peculiar to the property.
- 4) **New Business:**

Docket (04-03)
 1. Request for a variance from section 8.7.5 of the Pinehurst Development Ordinance, for property at 10 Rockland Ln., located in the R-10 (Single-family residential) Zoning District, further identified by Moore County Tax Reference as LRK #29602. Specifically, the applicant/owner Peter J. Vanica is requesting a variance of 15 ft. from the R-10 Golf Course setback of 30 ft.

Property Owner Notification: Adjacent property owners have been notified. The property located at 10 Rockland Lane, was posted in accordance of the law.

Owners Notified:

Dorothy A. Baron
 David W. & Sharon L. Lockwood
 M. Louise Colozzi
 Harry W. Jr. & Barbara L. Riley
 Samuel Evans
 Walter F. Hester Jr.
 Norman A. Horner
 Peggy P. Raney
 Resorts of Pinehurst
 James E. & Karen D. Plankar
 Bradford Keith & Brine Sonja Catherine Trustees
 Dorothy G. Franklin
 Clair A. & Jane L. Smith

Jane White of Club Corp Realty represented the applicant, Peter J. Vanica. After being sworn in, Ms. White presented the case to the Board. James Plankar of 30 Rockland Lane, after being sworn in, presented a letter to the Board that was signed by nine (9) neighbors who are in opposition to the variance request. After discussion by the Board, Fred B. Griffith made a motion to deny the request for a variance; William Spence seconded the motion due to the thirty-foot (30') ordinance that has been in affect for over twenty (20) years and a reasonably nice-sized house compatible with the neighborhood can be built on the lot. Andrew L. O'Brien asked for an amendment to the motion to include neighborhood objections, so added, the motion passed.

See Transcript prepared by Cynthia Hall, RPR (transcript is in the Planning and Inspections Fire Safe)

Poll the Board:

Robert L. Hyatt	No	Due to neighborhood objections
William Spence	No	The lot is buildable without the variance
Andrew L. O'Brien	No	The lot is buildable without the variance
Fred B. Griffith	No	Ordinance was in effect since July 1981 (30' setback)
June Jeffreys	No	The lot is buildable without the variance

The Board voted (5-0) to deny the request for a variance.

5) Old Business:

1) Continuation of an appeal to the Board of Adjustment, made by Quality Built Homes, from the following decision of the Zoning Administrator of the Planning and Inspections Department. The large white truck parked on the property at the corner of McCaskill Rd. and Magnolia Rd. Pinehurst, NC is in violation of sections 13.2.3(h), 13.2.3(j) and 13.1.14(b) of the Village of Pinehurst Development Ordinance. This parcel is also defined as Moore County LRK# 22556.

This appeal will be continued to a Special Meeting date of Monday, April 21, 2003 at 4:00 p.m.

6) Adjournment

With no further discussion by the Board, Chairman June Jeffreys adjourned the meeting.

BEFORE THE
BOARD OF ADJUSTMENT
VILLAGE OF PINEHURST

April 17, 2003

4:00 p.m.

395 Magnolia Road
Pinehurst, North Carolina 28374

COPY

TRANSCRIPT OF PROCEEDINGS

Reported by:
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APPEARANCES

June Jeffrys, Chairman

William Spence, Board Member

Fred B. Griffith, Board Member

Andrew L. O'Brien, Board Member

Robert L. Hyatt, Board Member

Jack Clayton, Attorney for the Board

Gwendy Weiser, Planning Assistant

Bruce Gould, Planner

* * * * *

P R O C E E D I N G S

CHAIRMAN JEFFRYS: It is 4:00 p.m. and the April 17th meeting of the Pinehurst Board Adjustments is in session. We have a quorum present.

The minutes of the last meeting have been distributed and read by all of the board members and there are no corrections or changes. Therefore, I would like to entertain a motion to dispense with the reading of the minutes and to accept the minutes as presented.

MR. GRIFFITH: I so move.

MR. SPENCE: I'll second.

CHAIRMAN JEFFRYS: All in favor?

I would remind you that everyone presenting evidence would be asked to do so under oath.

Couple of other reminders. Any decision of the Board of Adjustments may be appealed to the Superior Court of North Carolina.

For those of you who are out there involved in this case, however peripherally or deeply involved, let me give you some of the guidelines we must work by so you'll understand how things proceed.

The standards for obtaining a variance are fairly strict. We don't have the power to change the zoning ordinance in the Board of Adjustments.

1 They're simple. There are four: There should
2 be no reasonable use of the property without the variance;
3 hardship would result from the application of the
4 ordinance; the hardship cannot be self-created; and the
5 hardship is peculiar to the property.

6 That said, let's hear about the case before the
7 board today. Bruce?

8 MR. GOULD: The first case is located --

9 CHAIRMAN JEFFRYS: Come up and be sworn.
10

11 **BRUCE GOULD,**
12 having been duly sworn, gave testimony as follows:
13

14 MR. GOULD: There's currently a vacant piece of
15 property at the corner of Rockland Road and Doral Drive.
16 The address is 10 Rockland.

17 This lot is bounded on two sides by Pinehurst
18 Resort property, be it golf course property, with the
19 out-of-bounds marker actually not being one and the same
20 with the property line along the side.

21 This request is for a variance from 30-foot side
22 setbacks being adjacent to golf course to 15 feet along
23 that side. It will not affect, or the request does not
24 have anything to do with the rear setback being that the
25 one that's closest to the green, it's currently vacant.

1 There's a house on the adjacent side of it
2 that -- away from the intersection that is built. Beyond
3 that, I think it would be up to the applicant to explain
4 what they're seeking for, but that's generally the
5 background.

6 CHAIRMAN JEFFRYS: Okay.

7 MR. GOULD: If there's any other questions while
8 I'm up, let me know.

9 CHAIRMAN JEFFRYS: We will ask you.

10 Who is speaking for the applicant? Would you
11 come up please and be sworn in?

12 MR. GOULD: I'd also like to pass out a letter
13 here that I did get from the property owner.

14 This is Ms. White. She is his broker on this,
15 and basically I got some documentation stating that he --
16 Ms. White was going to be representing him on his behalf.

17 CHAIRMAN JEFFRYS: Do you have anything else,
18 Bruce, before --

19 MR. GOULD: That's all I have. I'll be right
20 here if you need me.

21 CHAIRMAN JEFFRYS: Yes, would you come up and --
22 come up and be sworn, please.

23
24 **JANE WHITE,**
25 having been duly sworn, gave testimony as follows:

1 CHAIRMAN JEFFRYS: State your name and your
2 position in the case, please.

3 MS. WHITE: My name is Jane White. I'm a broker
4 with Club Corp. I've been here in Pinehurst ten years.

5 And the purpose of the request, if the owner of
6 this lot gives a double golf course side yard number of
7 feet, backed off the golf course and backed off the side
8 yard, the lot will be too small to build anything but a
9 cheap house.

10 And on the left side -- he's not looking for
11 anything other than the normal use of this property if
12 there had been a house adjacent to it instead of a wedge
13 of vacant land and then the golf course.

14 The golf course does not use the land that
15 borders each side of Doral, because one green finishes on
16 this side and the course reverses back down the hill. And
17 the hole coming up to Doral goes off to the right. So
18 there's no crossing traffic next to this lot.

19 And all he's asking, since the lot is narrowed
20 down to the golf course to 60, what is it, 80 -- 82 feet
21 on the golf course, which would be the rear of his
22 property, he can't -- he can't take another 15 feet off
23 that and still get a house on it.

24 So that is basically what he's requesting. He's
25 asking to use the property just as though there is another

1 house to the left. And there are several hundred feet of
2 open property to the left, so it's not going to affect the
3 house on the right, the house on the left, or anyone in
4 that area.

5 CHAIRMAN JEFFRYS: Can I ask you, please, the
6 applicant is Peter Vanica. Is he the -- is he the owner
7 who is going to build on this property, or is he going
8 to -- does he have a contract offer or --

9 MS. WHITE: No, he has no contract offer, and he
10 has the property -- he would like to sell the property.

11 CHAIRMAN JEFFRYS: So he does not have an offer?

12 MS. WHITE: No.

13 CHAIRMAN JEFFRYS: And he wants to put the
14 property on the market?

15 MS. WHITE: Yes, it is on the market.

16 CHAIRMAN JEFFRYS: It is on the market?

17 MS. WHITE: And it has been on the market, but
18 without the variance, there is -- there is no interest,
19 because if you -- if you pay a fair price, and the
20 gentleman is entitled to a fair price, and we don't have
21 any lots available in that area -- one was just sold for
22 \$90,000. It would be unfair to have this lot sell for 30
23 and somebody put \$150,000 house on it, when the variance,
24 which doesn't affect anybody else there, would enable him
25 to put a \$400,000 house there.

1 CHAIRMAN JEFFRYS: Do you have any idea how long
2 he's owned this property?

3 MS. WHITE: Yes, I do. I have his -- a long
4 time. He's owned it a long time. I have a deed here.
5 Let me just get it.

6 CHAIRMAN JEFFRYS: Approximately. It's not --

7 MS. WHITE: He's owned it since July 1980.

8 CHAIRMAN JEFFRYS: 1980? I don't think anything
9 has changed in that time, has it?

10 MR. GRIFFITH: I have a question for Bruce after
11 she's done.

12 MR. GOULD: Ms. Jeffrys, other than the fact the
13 village wasn't incorporated in '80, nor did we have our
14 own zoning at that time --

15 MR. GRIFFITH: Village was incorporated in '80.

16 MR. GOULD: At the end of '80.

17 MR. GRIFFITH: Yes.

18 MR. GOULD: Which this was June, correct?

19 MS. WHITE: July.

20 MR. GOULD: July, and that was just as we --
21 wasn't until '81 that the first zoning ordinance was
22 adopted.

23 MR. GRIFFITH: Right. Bruce?

24 MR. GOULD: Yes, sir.

25 MS. JEFFRYS: Shall we let Ms. White sit down

1 for a moment? We'll ask if we have more questions.

2 Go ahead, Bruce.

3 MR. GRIFFITH: Prior to enactment of the current
4 PDO, was this lot in this form?

5 MR. GOULD: That would be something I would have
6 to check on. My hunch, and this would be a hunch, I could
7 research this for you guys if you wish, is that existing
8 single-family lots, even if they are nonconforming, can
9 still be built upon.

10 That meaning if the lot was created prior to
11 said ordinance, that that lot still has standing as a
12 buildable lot.

13 But as far as you're talking about dimensional
14 requirements, as far as size and what those setbacks would
15 have been under the old ordinance would be something I'd
16 have to go back and research.

17 MR. GRIFFITH: My question basically is did the
18 current PDO make this a nonconforming lot?

19 MR. GOULD: This lot is currently conforming.
20 The zoning meets all the zoning size, as well as the
21 setbacks are, you know, it's a legal conforming lot.

22 Now, you know, the application of whether the
23 lot can be built on, you'll have to speak with the
24 applicant as far as the justification of that, but the lot
25 is a legal lot. There would be nothing about our PDO that

1 makes it nonconforming or in any way, other than the fact
2 that when our ordinance was adopted those setbacks could
3 have changed from the prior ordinances.

4 MR. GRIFFITH: My point is in building, without
5 the 30-foot setback would be 52 feet point 96. If you
6 make that a 60 foot, it goes down to 37.96. The question
7 is, under the old PDO, was that 30-foot setback required?

8 MR. GOULD: That's what I would have to check.
9 But the question being whether it's a nonconforming lot,
10 it's by no means nonconforming under our existing
11 ordinance.

12 If there was a house built on it, and then, you
13 know, that setback had changed and that house was in the
14 setback, that would be a different story. But I can check
15 on that as soon as we're done here and see what I can find
16 real quick.

17 CHAIRMAN JEFFRYS: Okay. Anyone else have a
18 question?

19 MR. O'BRIEN: I have a question. I'd like to
20 address it to Ms. White.

21 I made a note of what I understood the comment
22 that you made, the lot is too small to build other than a
23 cheap house, and you defined a cheap house as \$150,000?

24 MS. WHITE: For that area, yes.

25 MR. O'BRIEN: So the hardship is, that you're

1 indicating, is based on the inability to build a house
2 conforming to \$400,000 homes?

3 MS. WHITE: The point is the relationship of the
4 cost of a lot with the size of the house you can build.
5 If someone is paying \$50,000 or \$60,000 for a lot, they
6 would not be -- they would not want to build a 350,
7 \$400,000 house.

8 MR. O'BRIEN: Is it correct to say that as long
9 as he, the seller, wants to get \$50,000 for the lot, he's
10 creating a hardship? A house could be built there, I
11 don't think anybody's debating that. It will have to
12 be -- if he wants the 50,000 for the lot, then he has to
13 incorporate that into a home of course for 400,000. If he
14 turns around, making a hypothetical, that he could take a
15 lot less money and still have a house in that bracket
16 built.

17 MS. WHITE: That's true, but --

18 MR. O'BRIEN: So the hardship is he wants to get
19 \$50,000 out of that lot, in spite of the fact that there's
20 problems, unless a variance is granted.

21 MS. WHITE: The fair market value, I would
22 think, with the variance, that gives him the full use of
23 his lot, would probably be, I would say, I just sold one
24 in the 60s.

25 MR. O'BRIEN: This is what I'm contesting. The

1 fair market value has been established as \$50,000. I'm
2 suggesting that possibly that house, or that lot, is not,
3 the correct market value under the circumstances is not
4 50,000.

5 What I'm trying to establish, he's not
6 prohibited from building a house under the present
7 circumstances. Because he wants that kind of money for
8 the lot that he has problems with it.

9 MS. WHITE: That's right. I think that a
10 fair -- I think he's being unfairly penalized having to
11 give golf course and side yard double setbacks, because if
12 there was another house next to him --

13 MR. O'BRIEN: You're suggesting -- excuse me.

14 MS. WHITE: If he were to allow just the lot he
15 had with the side yard setbacks of 15 feet, there is no
16 problem.

17 And those rules I assume were not made to
18 penalize this lot just because it happens to be the last
19 one of three, and there's nothing on that side. And he's
20 had it for all these years, and it seems -- I'm just
21 looking for something that would be fair.

22 He's not requesting to push lines out or do
23 anything other than to give him the same size lot as
24 though there is another lot next to him.

25 MR. O'BRIEN: Thank you, ma'am.

1 CHAIRMAN JEFFRYS: I'm looking at the dimensions
2 of the lots, and they are, really, the lot directly next
3 to it on the golf course side, this one is 82.9, and one
4 next to it is 86.4 on the street side; however, the lot in
5 question is 119, and on the street side of the house next
6 door, it's 116, kind of evens itself out.

7 I don't find -- the lot doesn't appear to me to
8 be that much substantially smaller than the other lots on
9 that street. Some of them, yes, when you get down the
10 road a bit.

11 MS. WHITE: When you have to put the setback
12 from the street, the 30 feet, set the house back --

13 CHAIRMAN JEFFRYS: Okay. Go ahead.

14 MS. WHITE: So you're moving that house back.
15 And now you're into the area where you've cut off another
16 15 feet from that setback, so you're really under 60 feet
17 back there, where the other houses are probably still 80
18 or 90 minimum.

19 The rear of those other lots do not come down to
20 30 feet.

21 MR. SPENCE: If my numbers are correct here,
22 piddling with this, the back end of the lot is 83 feet
23 long.

24 MS. WHITE: Right.

25 MR. SPENCE: And if you take away 30 feet on one

1 side, and 15 on the other, you got a 38-foot space to
2 build a house on, which isn't very much.

3 MS. WHITE: That's right.

4 MR. SPENCE: If you get the variance, the back
5 end of the lot, it's 53 feet. So it is a tight lot, is my
6 point, and the key to me is whether the old 1980 rules,
7 whatever we had, didn't require this 30 feet, in other
8 words; you see what I'm saying?

9 MS. WHITE: Yes, from the side yard.

10 MR. SPENCE: I just don't know the answer to
11 that, how we're going -- I don't know if we'll find out
12 today what the 1980 rule was. But if the present PDO has
13 thrown an extra 15 foot on this lot that wasn't there when
14 it was laid out, then I think we have something we ought
15 to consider as we look at it.

16 CHAIRMAN JEFFRYS: Do we -- you can sit down,
17 unless -- does anyone else have another question for
18 Ms. White?

19 MR. GRIFFITH: If the out-of-bounds marker is
20 right there by the corner of the lot, that would mean
21 anything to the outside of that would not be golf course
22 property, by definition?

23 MR. SPENCE: The club may own that land, but
24 it's, quote, not part of the golf course, the way I would
25 see it. I don't know.

1 MS. WHITE: That's right.

2 MR. SPENCE: I'm not a lawyer.

3 CHAIRMAN JEFFRYS: Bruce, have we heard anything
4 from the club?

5 MR. GOULD: Bob Farren came in and took a look
6 at the application, knew when the meeting was, and he's
7 not here. So he did have a chance to review the
8 information.

9 I believe he came in yesterday or the day before
10 between --

11 MS. WEISER: He came in this afternoon. He said
12 they had no objections.

13 MR. GOULD: I'll state that again for the
14 record, that Bob Farren did come back in this afternoon
15 and he had no objections.

16 CHAIRMAN JEFFRYS: Okay. Thank you. All right.
17 You can -- I hate to keep bopping you up and
18 down there, but you can sit down, yes.

19 I understand there are some other people who
20 would like to make some comments here?

21 How many of you are there? Three, four, five.
22 All right. This time we're going to do a group swearing
23 in, please.

24 Could you all come up at one time, swear, and go
25 back to your seats, and we'll designate you.

1 (Oath administered.)

2 CHAIRMAN JEFFRYS: Mr., what is it, Middaugh?
3 Yes, why don't you come up.
4

5 DOUG MIDDAUGH,
6 having been duly sworn, gave testimony as follows:
7

8 MR. MIDDAUGH: Doug Middaugh. My reason is just
9 concerned citizen.

10 Two things concerning this: First of all, this
11 is a corner lot. The PDO is very specific as to the
12 30-foot side setback.

13 Second, when you sketch out the building
14 envelope, I could put a very nice two-story house on that
15 building envelope and be fully compliant.

16 So I dispute the argument that it would be a
17 cheap house. The envelope is clearly large enough. Thank
18 you.

19 CHAIRMAN JEFFRYS: Thank you. Start at the --
20 on the right.
21

22 JAMES PLANKAR,
23 having been duly sworn, gave testimony as follows:
24

25 MR. PLANKAR: My name is James Plankar. I live

1 at 30 Rockland Lane, two lots away from the property in
2 question.

3 Madam Chairperson, I have a letter signed by
4 nine residents, nine home owners in the immediate area for
5 the board's consideration.

6 (Mr. Plankar passing document up to board.)

7 MR. PLANKAR: And I'll --

8 MR. GOULD: Sir, could I have one of those?

9 MR. PLANKAR: Last one I have, Bruce.

10 MR. GOULD: Miss Jeffrys, we'll need -- I just
11 need one for the record. Sorry.

12 MR. PLANKAR: The letter that you have was
13 signed by nine property owners on Doral Drive and Rockland
14 Lane in the immediate area of the property in question.

15 Our comments are as follows:

16 The applicant has not provided any evidence
17 other than a series of subjective statements demonstrating
18 the need for the variation. There is no site plan; there
19 is no proposed structure; there are no calculations
20 supporting the application.

21 Two, by our calculations, the building envelope
22 allowing for the required setbacks is something in excess
23 of 2800 square feet. We would submit that one can build a
24 substantial property on that building envelope.

25 Approval of the variance requested will increase

1 the building envelope by approximately 765 square feet, or
2 by more than 25 percent. This allows for a house far
3 larger than most houses in the immediate area,
4 significantly larger.

5 The building envelope for lot 147 is not
6 substantially different than lot 123, which is directly
7 across Doral Drive, from the property in question, nor is
8 it substantially different than that of lot 70 adjacent to
9 the second green across Doral Drive from the halfway
10 house.

11 Those are both corner properties with
12 approximately the same dimensions as the property in
13 question. Both currently contain houses.

14 Homes in the immediate area comply with the
15 setback requirements.

16 Six, the property adjacent, north and south, is
17 a part of golf course Number 1, lying behind the second
18 green and next to the ninth green.

19 The adjacent property is used by maintenance
20 vehicles, parking for employees of the halfway house, as
21 well as delivery vehicles, and for the storage of golf
22 course materials.

23 And lastly, Madam, I would object to the
24 entering of Bob Farren's non-objection into the record,
25 since he's not here to directly swear to that testimony.

1 CHAIRMAN JEFFRYS: We will take all of those
2 into consideration.

3 You're finished?

4 MR. PLANKAR: That's it.

5 CHAIRMAN JEFFRYS: Could I -- uh-huh.
6

7 HARRIS RILEY,

8 having been duly sworn, gave testimony as follows:
9

10 MR. RILEY: My name is Harris Riley. I own and
11 live at the property on 20 Rockland Lane, which is
12 adjacent to the lot we're talking about.

13 When I came here in 1993 to purchase a property
14 in Pinehurst, I looked at the property I purchased. Most
15 people should, if they don't, look at an empty lot
16 adjacent to them and see what kind of things could be
17 built on that lot.

18 As an engineer, I did so. I laid out the
19 dimensions of the lot, and knowing what the setback
20 requirements were, I laid out what the foot print of a
21 proposed house could be.

22 If we slide that house 15 feet further towards
23 the golf course, it changes the entire appearance of that
24 lot and what might be on that lot.

25 The lady referred to a \$400,000 house. There

1 are no \$400,000 houses on -- with one exception, on
2 Rockland Lane. A \$400,000 house on Rockland Lane would be
3 a pretty big piece of property.

4 She talked about fairness. I think it's unfair
5 to me after I went through the machinations and the layout
6 and designs and said yes, that lot next to me is
7 acceptable and I have no problem with something being
8 built on it.

9 It becomes unfair to me to change the rules at
10 this late date.

11 Thank you.

12 CHAIRMAN JEFFRYS: Okay. Thank you, Mr. Riley.
13 Next?

14
15 **PETER FRANKLIN,**
16 having been duly sworn, gave testimony as follows:

17
18 MR. FRANKLIN: My name is Peter Franklin. I
19 live across the street from the lot in question,
20 diagonally across, 255 Doral.

21 It seems to me that all over Pinehurst we're
22 seeing huge houses built on small lots. It changes the
23 character of the neighborhood, and certainly impacts
24 negatively on the homeowners that are already there.

25 In my case, I would look across the street,

1 instead of through between two houses and a golf course,
2 I'd probably look at something that looks like a Holiday
3 Inn, which is something like they built on the end of
4 El Dorado Drive.

5 I mean, they just build these houses right out
6 to the limit, and every foot you give them, they're going
7 to put a two-story house on it. I think it's unfair. I
8 don't think the applicant has proven anything other than
9 he wants to make an extra \$40,000 on his lot by letting
10 some builder come in and build a huge house on it. And I
11 don't think that's fair to the neighborhood.

12 Thank you.

13 CHAIRMAN JEFFRYS: Thank you. There was one
14 other person over there? No? Okay.

15 Does anybody else have any questions? All
16 right. Then at this point this hearing is closed.

17 We are going to deliberate, but no further
18 comments will be heard.

19 Yes?

20 MR. GOULD: Would you like me to check on that
21 old ordinance information?

22 CHAIRMAN JEFFRYS: It would be nice.

23 MR. GOULD: Yes.

24 CHAIRMAN JEFFRYS: In the meantime, we're going
25 to discuss this.

1 MR. PLANKAR: Can I make one comment?

2 CHAIRMAN JEFFRYS: Well, we did call an end to
3 this. I'm sorry.

4 (Off the record from 4:30 p.m. to
5 4:36 p.m.)

6 CHAIRMAN JEFFRYS: Let me explain a little bit
7 about what we're doing. We are waiting for Bruce to come
8 back with his -- the dates that we're taking about
9 earlier.

10 In the meantime, Mr. Griffith thought he
11 remembered something from the PDO, and we were discussing
12 that.

13 I think we will go ahead and get the opinion of
14 the board members, and we'll hear Bruce when he comes
15 back, if that's agreeable? Okay.

16 MR. SPENCE: Do you want an opinion?

17 CHAIRMAN JEFFRYS: Yeah, Mr. Spence, could you?

18 MR. GRIFFITH: Have we definitely established
19 that the land adjacent to this lot is not part of the golf
20 course property?

21 AUDIENCE MEMBER: It is.

22 CHAIRMAN JEFFRYS: It is, is it not?

23 MR. GRIFFITH: It's owned by the same people
24 that own it, but is it part of the golf course?

25 CHAIRMAN JEFFRYS: How do we establish that?

1 Apparently we have an opinion.

2 MR. GRIFFITH: And they're not opposed?

3 AUDIENCE MEMBER: That's hearsay.

4 CHAIRMAN JEFFRYS: I hear you out there. I
5 understand it's hearsay.

6 MR. O'BRIEN: We can make it subject to that
7 clarification, and then publish at a later date.

8 MR. SPENCE: He's back.

9 CHAIRMAN JEFFRYS: What did you learn, Bruce?

10 MR. GOULD: Should we open back up to public
11 comment? Otherwise it's not being submitted.

12 CHAIRMAN JEFFRYS: Yes, we will reopen the
13 session for Bruce's statement.

14 MR. GOULD: The ordinance dated July of '81,
15 which was the first zoning ordinance adopted, the zoning
16 on that property was still R-15. Section 6.4 of that
17 ordinance said that all platted or all existing platted
18 lots which were adjacent to golf courses and lakes would
19 have a 30-foot setback.

20 CHAIRMAN JEFFRYS: So at that time, nothing has
21 changed?

22 MR. GOULD: That was July '81, which was our
23 first ordinance. Keep in mind, this property was
24 purchased in '80, but that 30-foot setback, you know, from
25 that ordinance to the newer ordinance has been 30 foot for

1 some 22 years.

2 MR. GRIFFITH: Does it say anything about the
3 old ordinance that preceded that one?

4 MR. GOULD: I'd have to go probably to the
5 county.

6 MR. GRIFFITH: There was one for Pinehurst.

7 MR. GOULD: Yeah, but it wasn't -- I wouldn't
8 know where to obtain that ordinance.

9 MR. GRIFFITH: I've got it at home.

10 MR. GOULD: You've got one? That was as far
11 back as the records I have, which was the first ordinance
12 that the municipality adopted.

13 CHAIRMAN JEFFRYS: Okay. Now, did we establish,
14 Ms. White, when he bought this? I've forgotten the date.

15 MS. WHITE: I have a copy of the deed. Deed of
16 trust made 25th of July, 1980.

17 CHAIRMAN JEFFRYS: All right. So this was,
18 these setbacks were established when he bought this
19 property?

20 MR. GOULD: No, ma'am, one year later.

21 CHAIRMAN JEFFRYS: Okay. Later.

22 AUDIENCE MEMBER: Is that the present owner deed
23 she's talking about?

24 MS. WHITE: Yeah.

25 CHAIRMAN JEFFRYS: Sorry, Mr. Barring, you

1 weren't sworn in.

2 AUDIENCE MEMBER: I couldn't resist.

3 CHAIRMAN JEFFRYS: Is everyone here ready to
4 make a statement on their feelings? Bob?

5 MR. HYATT: Yes.

6 CHAIRMAN JEFFRYS: Would you go ahead?

7 MR. HYATT: I do not feel that it should be
8 given to him, with the number of neighbors that have --
9 are opposed to it, it would make a difference in the
10 neighborhood. So I say no.

11 CHAIRMAN JEFFRYS: Actually, what we're doing
12 here is we are asking for your opinion. We will then make
13 a motion and vote.

14 So your feeling is the -- its impact on the
15 neighborhood, that is the basis for your reasoning? Okay.

16 Bill?

17 MR. SPENCE: Okay. My analysis of this is that
18 in 1980 or '81, it's been -- the setback's been 30 feet
19 since 1981, which is a long, long time.

20 So I wonder, I don't know grandfathering would
21 go that many years; however, the lot with the 30-foot
22 setback could easily handle a house of 2000, 2,200, 2,400
23 square feet on one floor with the 30-foot setback, and so
24 I would oppose the variance on the fact that it is a
25 buildable lot. A reasonable size house could go 4,000

1 square feet, if you go up with it, if that's what they
2 want.

3 So I would oppose it, would be my feeling.

4 CHAIRMAN JEFFRYS: Okay. Andy?

5 MR. O'BRIEN: I granted a motion subsequently
6 that I would be voting for denial of the application for a
7 variance based on what has just briefly been said, that
8 there is, contrary to what is stated in the application,
9 there is a reasonable use of the property without the
10 variance. I don't believe that a variance is necessitated
11 here, so I would vote against a variance being given,
12 leaving enough now for a motion.

13 CHAIRMAN JEFFRYS: Let's hear from Mr. Griffith?

14 MR. GRIFFITH: Provided there is nothing in that
15 ordinance that was in existence when he bought the lot, I
16 would be opposed to the variance. But I think we have to
17 know what was in effect at the time he purchased the lot.

18 CHAIRMAN JEFFRYS: Okay. And my position is
19 that, echoing my fellow board members here, the lot does
20 seem to be in line with the rest of the lots in the
21 neighborhood. I don't see any reason to be concerned that
22 you can't build a house that is compatible with the
23 neighborhood with the size of the lot as it exists.

24 I see no reason to grant a variance at this
25 point. There is no particular hardship inflicted here,

1 other than the hardship which the owner himself has
2 created by his expectations.

3 We cannot make decisions like this based on how
4 much someone is going to get for his lot. It's not just
5 what we're supposed to be doing here.

6 So I'd like to entertain a motion, which --
7 whoever wants to put it, perhaps Fred or Andy would, which
8 allows for Fred's -- first, we better take -- which would
9 allow for Fred's exception, right?

10 Either you or Andy to make a motion with the
11 allowing for your exception -- I can't think of the
12 word -- condition, condition.

13 MR. GRIFFITH: In view of the testimony I move
14 the variance be denied, depending on the provisions that
15 were in the zoning ordinance prior to -- or at the time he
16 purchased the lot.

17 CHAIRMAN JEFFRYS: Okay.

18 MR. SPENCE: No way, no say, huh-uh.

19 CHAIRMAN JEFFRYS: Mr. Spence, okay, would you
20 like to --

21 MR. SPENCE: I move that the variance be denied
22 based on the fact that the 30-foot ordinance that's been
23 in there for, what, 30-some-odd years, my arithmetic's not
24 too good, 20-some-odd years, the fact that a reasonably
25 nice-sized house compatible with the neighborhood can be

1 built on the lot with the 30-foot setback; therefore, I
2 move that the motion -- that the variance be denied.

3 CHAIRMAN JEFFRYS: Any comments? Andy?

4 MR. O'BRIEN: I like to amend, I guess, the
5 motion. I'm proposing that the adjoining property owners,
6 their best interest in place, that should be represented.

7 CHAIRMAN JEFFRYS: How does that fit into your
8 motion?

9 MR. O'BRIEN: It's his motion. I'm just
10 amending it. I'm suggesting an amendment be made to his
11 motion and add on to his motion.

12 CHAIRMAN JEFFRYS: Does everybody understand the
13 motion made both by Fred and Bill?

14 Now, what --

15 MR. SPENCE: Fred's motion's dead.

16 CHAIRMAN JEFFRYS: I think we'll take a vote.

17 MR. GRIFFITH: What did I do now?

18 CHAIRMAN JEFFRYS: Let's vote on this, right?
19 Would you poll the board?

20 MS. WEISER: Mr. O'Brien?

21 MR. O'BRIEN: I'm voting in favor of the motion
22 denying or the granting of the variance. No variance.

23 MS. WEISER: Mr. Griffith?

24 MR. GRIFFITH: Same.

25 MS. WEISER: Mrs. Jeffrys?

1 CHAIRMAN JEFFRYS: No.

2 MS. WEISER: Mr. Spence?

3 MR. SPENCE: I vote in favor of the motion to
4 deny.

5 MS. WEISER: Mr. Hyatt?

6 MR. HYATT: I vote on the motion to deny.

7 CHAIRMAN JEFFRYS: Unanimous.

8 MR. HYATT: I favor the motion to deny.

9 CHAIRMAN JEFFRYS: It is a unanimous decision on
10 the board that the variance be denied.

11 That ends that case, and brings us up to old
12 business, which will be the continuation of an appeal to
13 the Board of Adjustment made by Quality Built Homes from
14 the following decision of the Zoning Administrator of the
15 Planning and Inspections Department:

16 Large white truck parked on the property at the
17 corner of McCaskill Road and Magnolia Road, Pinehurst,
18 North Carolina, is in violation of Sections 13.2.3(h),
19 13.2.3(j) and 13.1.14(b) of the Village of Pinehurst
20 Development Ordinance.

21 This parcel is also defined as Moore County
22 LRK#22556.

23 This appeal will be continued to a special
24 meeting dated Monday, April the 21st, 2003 at 4:00 p.m.

25 There being no other items on the agenda, this

1 meeting is adjourned. Thank you.

2 (Meeting adjourned at 4:48 p.m.)

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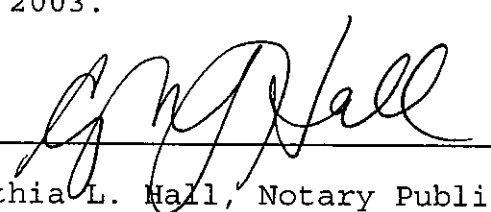
25

1 STATE OF NORTH CAROLINA)
2 COUNTY OF MOORE) C E R T I F I C A T E

3
4 I, Cynthia L. Hall, Registered Professional
5 Reporter and Notary Public, in and for the aforesaid
6 county and state, do hereby certify that the foregoing 30
7 pages are an accurate transcript of the aforementioned
8 proceedings, which was taken by me in machine shorthand
9 and transcribed by computer-aided transcription.

10 I further certify that I am not financially
11 interested in the outcome of this action, a relative,
12 employee, attorney or counsel of any of the parties, nor
13 am I a relative or employee of such attorney or counsel.

14 I have hereunto set my hand and seal this 29th
15 day of April, 2003.

16
17 
18 Cynthia L. Hall, Notary Public

19 in and for North Carolina

20 Registered Professional Reporter

21 My Commission Expires: June 8, 2003
22
23
24
25

File Date: 03/17/2020

Application Status: In Review

Application Type: Variance

Application Detail: Detail

Description of Work: The Owner is respectfully requesting a setback variance on the north side of the property. The current setback requirement is for 30 feet when abutting a golf course. The Owner is respectfully requesting a 15 foot setback.

Application Name: 10 Rockland Ln Setback Variance

Address: 10 ROCKLAND Ln, PH, 28374

Owner Name: SCHOENER, JAMES M & BRENDA N

Owner Address: 786 COUNTRY CLUB DR, SAINT CLAIR SHORES, MI 48082

Parcel No:
00029602

Contact Info:	Name	Organization Name	Contact Type	Contact Primary Address	Status
	<u>Kirk Adkins</u>		Applicant	<u>Home, 70 CAROLINA VIS</u>	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 Reference

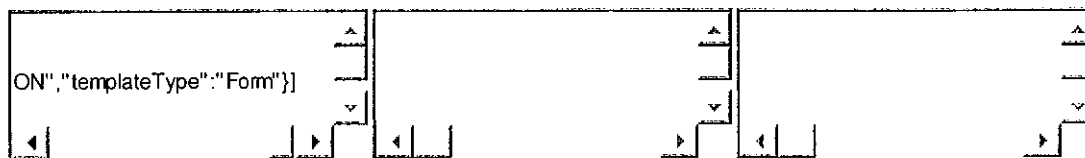
Owner of the Land

Affected by the Variance

The Owner is respectfully requesting a change in setback requirements on the north side of

Section 5.1 PDO

Ordinance Text (Verbatim)	the property. The north side of the property abuts the Pinehurst No. 1 golf course and Owner requests a setback of 15 feet. Description of unnecessary hardship that would result from the strict application of the ordinance	Description of how the hardship results from conditions that are peculiar to the property
<u>Table 9.2a</u> <u>R-10</u> <u>Golf Course Setback 30'</u>	<u>The restrictions of the current setback severely impedes the construction of a home consistent with the neighborhood. The neighboring property to the south was constructed in 1981 and is situated 6.77 feet from the Owner's south property line. The other homes on Rockland Lane are all situated within 7 feet of their north property lines. Consequently, without the setback variance, the home would be inconsistent with neighboring properties.</u>	<u>This lot is constrained by requiring three separate 30 foot setbacks. These three setbacks inhibit the construction of a home exhibiting the aesthetics of the neighborhood.</u>
Description of how the hardship did not result from actions taken by the applicant/owner	Explanation of how the requested variance is consistent with the intent of the ordinance	
<u>The owner has not yet constructed anything on the property. The 30 foot setback on the north side of the property inhibits the eventual construction of a home consistent with the neighborhood.</u>	<u>No neighbors would be impacted by the relief of this setback. In fact, this relief would allow an eventual house to be situated in a manner that is consistent with the other homes in the neighborhood. The owner has obtained a "no objection" letter from Mr. Bob Farren of Pinehurst Resort, LLC. The area of the requested setback is not in the field of golf course play and well away from the Pinehurst Resort "Halfway House. There is also no impact on public safety.</u>	



Workflow Status:	Task	Assigned To	Status	Status Date	Action By
	<u>Appeal Filed</u>	Alex Cameron	Accepted	03/25/2020	Alex Cameron

<u>Review for Completeness</u>	Alex Cameron	Complete	03/25/2020	Alex Cameron
<u>Planning Review</u>	Alex Cameron	Complete	03/26/2020	Darryn Burich
<u>BOA Notification</u>	Alex Cameron	Meeting Noti...	03/26/2020	Darryn Burich
<u>Staff Report</u>	Alex Cameron	Complete	03/26/2020	Darryn Burich
<u>BOA Hearing</u>	Alex Cameron			

Condition Status:	Name	Short Comments	Status	Apply Date	Severity	Action By
Documents:	File Name	Document Group	Category	Description	Type	Document Status Date

[Show all](#)

Application Comments:	View ID	Comment	Date
-----------------------	---------	---------	------

Initiated by Product: ACA

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

Required Inspections:

For Registration Register of Deeds
Judy D. Martin

Moore County, NC

Electronically Recorded

March 16, 2020 3:42:27 PM

Book: 5290 Page: 205 - 207 #Pages: 3

Fee: \$26.00 NC Rev Stamp: \$200.00

Instrument# 2020004456

GENERAL WARRANTY DEED

THIS INSTRUMENT PREPARED BY:

Michelle Stinnett, Esq.
Lorenz & Creed Law Firm, PLLC
230 N. Bennett Street
Southern Pines, NC 28387

TO BE RECORDED IN THE
DEED RECORDS OF
MOORE COUNTY, NC

Excise Tax: \$200.00

THIS DEED made this 11th day of March, 2020, by and between:

<u>GRANTOR</u>	<u>GRANTEE</u>
JAMES M. SCHOENER, widowed and not remarried	Ennismore Properties, LLC, a North Carolina Limited Liability Company Tax address: 70 Carolina Vista Pinehurst, NC 28374

WITNESSETH:

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.

WITNESSETH, the 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 or parcel of land (referred to in the singular, whether one or more) situated in Mineral Springs Township, Moore County, North Carolina, and more particularly described as follows:

Lot 147, 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.

Brenda N. Schoener died on January 13, 2020 in Wayne County, Michigan while married to James Morris Schoener as shown on attached death certificate.

Submitted electronically by "Pate & Scarborough LLP"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Moore County Register of Deeds.

This property herein described does not include the primary residence of the Grantor.

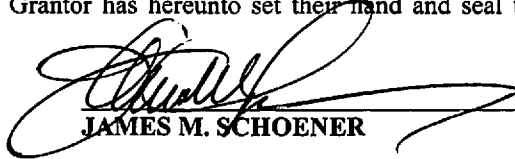
And being the same property conveyed to Grantor in instrument recorded in Book 3594, Page 556, in the Moore County, North Carolina, Register of Deeds. The attorney preparing this instrument has not searched the title to the real property hereby conveyed and makes no opinion relative to the status of the title to the real property hereby conveyed.

This conveyance is made subject to (i) the lien of the County of Moore for taxes and other assessments for the current year, which taxes or other assessments shall be pro-rated as of the date of closing and which Grantee by acceptance of this deed expressly agrees to pay; (ii) utility easements of record; and (iii) unviolated restrictive covenants of record that do not materially affect the value of the property.

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 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.

IN WITNESS WHEREOF, the said Grantor has hereunto set their hand and seal the day and year first above written.


JAMES M. SCHOENER (SEAL)

STATE OF Michigan
COUNTY OF Oakland

I certify that the following person(s) personally appeared before me this day and 3/11/2020 have personal knowledge of the identity of the principal(s); (X) I 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; () a credible witness has sworn to the identity of the principal(s); the principal(s) 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): James M. Schoener.

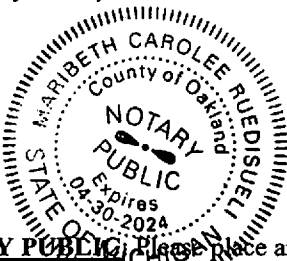
Date: 3/11/2020

Maribeth Carolee Ruedisueli
Notary Public

Maribeth Carolee Ruedisueli
Printed or typed name of Notary Public

My commission expires: 04/30/2024

[SEAL]



NOTARY PUBLIC: Please place an (X) in the space that describes the method of identifying the principal and (--) in the spaces that do not apply.

STATE OF MICHIGAN

CERTIFICATION OF VITAL RECORD

COUNTY OF WAYNE

LF 150

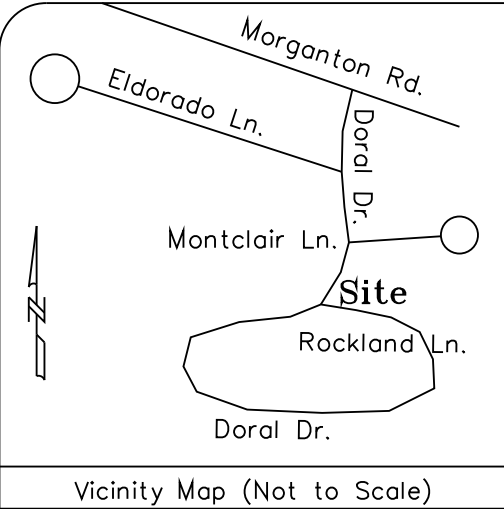
CF


 STATE OF MICHIGAN
 DEPARTMENT OF HEALTH AND HUMAN SERVICES
 CERTIFICATE OF DEATH

STATE FILE NUMBER

203213

DECEDENT	1. DECEDENT'S NAME (First, Middle, Last) Brenda Noranne Schoener		2. DATE OF BIRTH October 17, 1948		3. SEX Female		4. DATE OF DEATH January 13, 2020	
	5. NAME AT BIRTH OR OTHER NAME USED FOR PERSONAL BUSINESS Brenda Noranne Eng				6a. AGE- Last Birthday (Years) 71		6b. UNDER 1 YEAR MONTHS DAYS	
	7a. LOCATION OF DEATH Ascension St. John Hospital				7b. CITY, VILLAGE OR TOWNSHIP OF DEATH Detroit		7c. COUNTY OF DEATH Wayne	
	8a. CURRENT RESIDENCE - STATE Michigan		8b. COUNTY Macomb		8c. LOCALITY St. Clair Shores		8d. STREET AND NUMBER 786 Country Club Drive	
INFORMANT	8e. ZIP CODE 48082		9. BIRTH PLACE Detroit, Michigan		10. SOCIAL SECURITY NUMBER		11. DECEDENT'S EDUCATION High school graduate	
	12. RACE Chinese		13a. ANCESTRY Chinese				13b. HISPANIC ORIGIN No	
	13c. EVER IN THE U.S. ARMED FORCES? No		14. USUAL OCCUPATION Administrative Assistant		15. KIND OF BUSINESS OR INDUSTRY Clerical		16. MARITAL STATUS Married	
	17. NAME OF SURVIVING SPOUSE (If wife, give name before first married) James Morris Schoener		18. FATHER'S NAME (First, Middle, Last) Sing Eng		19. MOTHER'S NAME BEFORE FIRST MARRIED (First, Middle, Last) Anna Moy			
DISPOSITION	20. INFORMANT'S NAME James M. Schoener		21b. RELATIONSHIP TO DECEDENT Spouse		21c. MAILING ADDRESS 786 Country Club Drive, St. Clair Shores, Michigan 48082			
	22. METHOD OF DISPOSITION Cremation		23a. PLACE OF DISPOSITION Detroit Wilberdt Cremation Services		23b. LOCATION - City or Village, State Clinton Twp, Michigan			
	24. SIGNATURE OF MORTUARY SCIENCE LICENSEE Michael W. Barron		25. LICENSE NUMBER 4501007810		26. NAME AND ADDRESS OF FUNERAL FACILITY Kaul Funeral Home St. Clair Shores, 28433 Jefferson, St. Clair Shores, Michigan 48081			
	27a. CERTIFIER ☒ Certifying Physician - To the best of my knowledge, death occurred due to the (cause) and manner stated. ☐ Medical Examiner - On the basis of examination, and/or investigation, in my opinion, death occurred at the time, date, and place, and due to the cause(s) and manner stated. Signature and Abdulahman Effendi, MD		28a. ACTUAL OR PRESUMED TIME OF DEATH 08:39 AM		28b. PRONOUNCED DEAD ON January 13, 2020		28c. TIME PRONOUNCED DEAD 08:39 AM	
CAUSE OF DEATH	27b. DATE SIGNED January 15, 2020		27c. LICENSE NUMBER 4301058052		29. MEDICAL EXAMINER CONTACTED No		30. PLACE OF DEATH Hospital	
	31. IF HOSPITAL Inpatient		32. MEDICAL EXAMINER'S CASE NUMBER		33. NAME OF ATTENDING PHYSICIAN IF OTHER THAN CERTIFIER			
	34. NAME AND ADDRESS OF CERTIFYING PHYSICIAN Abdulahman Effendi, MD, 25710 Kelly Rd., Suite 1, Roseville, Michigan 48066							
	35a. REGISTRAR'S SIGNATURE <i>Jeff M. Barron</i>				35b. DATE FILED January 16, 2020			
36. PART I. ENTER the chain of events - diseases, injuries or complications - that directly caused the death. DO NOT enter terminal events such as cardiac arrest, respiratory arrest or vascular. (Certification without showing the etiology. Enter only one cause on line.) If disease was an underlying or contributing cause of death be sure to record diabetes in either Part I or Part II of the cause of death section, as: IMMEDIATE CAUSE (Final disease or condition resulting in death) Separately list IF ANY, leading to the final on line a. Enter the UNDERLYING CAUSE (disease or injury that initiated the events resulting in death) LAST								
* Cardiopulmonary Arrest DUE TO (OR AS A CONSEQUENCE OF) * Sepsis DUE TO (OR AS A CONSEQUENCE OF) * Peripheral Arterial Disease DUE TO (OR AS A CONSEQUENCE OF) * Diabetes Mellitus DUE TO (OR AS A CONSEQUENCE OF)								
PART II. OTHER SIGNIFICANT CONDITIONS contributing to death but not resulting in the underlying cause given in Part I End Stage Renal Disease								
37. DID TOBACCO USE CONTRIBUTE TO DEATH? ☐ Yes ☐ Probably ☐ No ☒ Unknown		38. IF FEMALE ☒ Not pregnant within past year ☐ Pregnant at time of death ☐ Not pregnant, but pregnant within 42 days of death ☐ Unknown if pregnant within the past year ☐ Not pregnant, but pregnant 43 days to 1 year before death						
39. MANNER OF DEATH Natural		40a. WAS AN AUTOPSY PERFORMED? No		40b. WERE AUTOPSY FINDINGS AVAILABLE PRIOR TO COMPLETION OF CAUSE OF DEATH? Not Applicable				
41a. DATE OF INJURY		41b. TIME OF INJURY		41c. DESCRIBE HOW INJURY OCCURRED				



Location of underground utilities, if shown, are based on visible evidence and drawings provided to the surveyor. Location of underground utilities and structures may vary from shown locations. Additional utilities may exist. Local utility companies should be consulted for further information on utilities affecting the property.

This survey was done without benefit of an attorney's title search which could disclose zoning, restrictive covenants, easements not visible to surveyor, building setbacks, or other information which could affect surveyed property.

No subsurface or environmental considerations affecting this property have been made by surveyor.

CURVE TABLE					
Curve	Length	Radius	Chord Dir.	Chord Dist.	Delta Angle
C1	119.35	131.52	S08°02'52"E	115.29	51°59'33"

Per M.B. 11, PG 19
Moore County Registry

Notes: This map is not in accordance with GS 47-30.
Area by coordinate method.
Dashed lines not surveyed, drawn from information as indicated.
There are no visible encroachments other than those shown hereon.
Survey is subject to any Declaration of Restrictions, Conditions, Easements, Covenants, Agreement, Liens and Charges of Record.
"Verify Minimum Building Setbacks Before Construction"
Parcel ID #00029602, PIN #856217107514
Contour interval = 0.50', based on assumed datum.
All pine trees are "Longleaf" unless otherwise stated.

Legend:

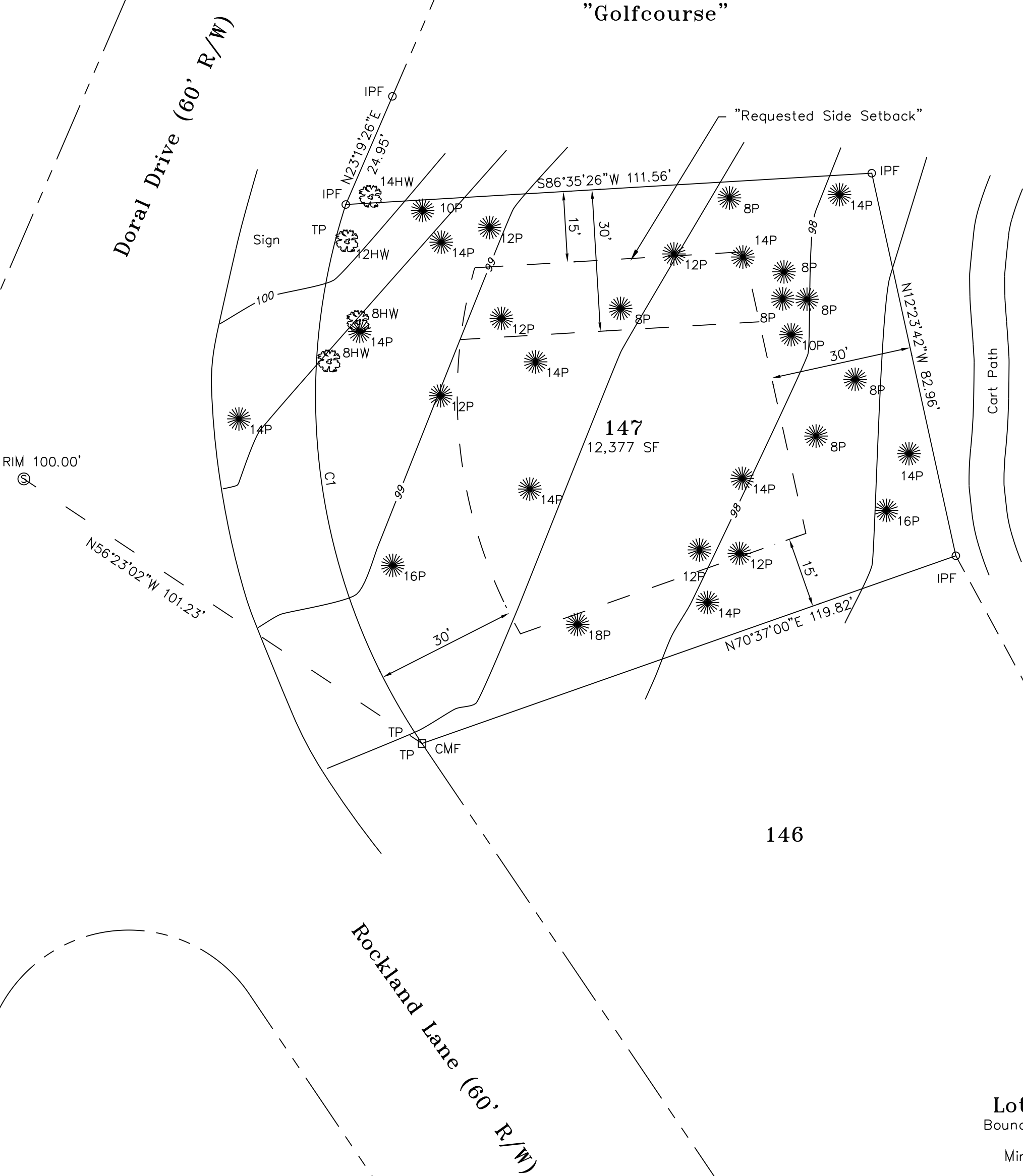
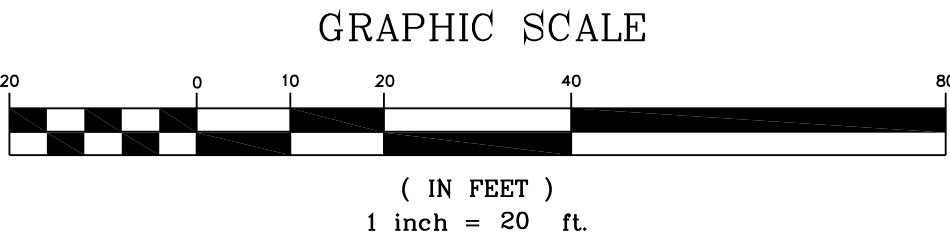
- IPF = Iron Pipe Found
- IPS = Iron Pipe Set
- IRF = Iron Rod Found
- IRS = Iron Rod Set
- CMF = Concrete Monument Found
- ⊙ = Sewer Manhole
- ⊕ = Fire Hydrant
- = Utility Pole
- CATV = Cable Television
- PSO = Power Stub Out
- TP = Telephone Pedestal
- WV = Water Valve
- ☆ = Light Pole
- = Building Setback Line
- OHU— = Overhead Utilities
- ⊠ = Water Meter
- SSO = Sanitary Sewer Stub Out
- = Electrical Transformer
- ⊞ = HVAC
- 12P = 12" Pine Tree(Typ.)
- 12HW = 12" Hardwood Tree(Typ.)
- SS— = Sanitary Sewer
- = Calculated Point

Reference: Map Book 11, Page 19
Deed Book 3594, Page 556
Moore County, North Carolina

"I certify that this map was drawn under my supervision from an actual survey made under my supervision (as described in Book 3594, page 556) and that the boundaries not surveyed are clearly indicated as such from information as indicated; that the ratio of precision or positional accuracy is 1:20,000; and that this map meets the requirements of the Standards of Practice for Land Surveying in North Carolina (21 NCAC 56.1600)." This 16th day of March, 2020.

Ryan McBryde
Professional Land Surveyor

L-4394
Registration Number



RYAN MCBRYDE
LAND SURVEYING • PLANNING
License #: C-2680
P.O. Box 1013
105-A Parkway Dr.
Aberdeen, NC 28315
Phone/Fax (910) 944-2410

Survey For:
Kirk S. Adkins
Lot 147, Unit 11, Phase 2
Boundary/Tree Location/Topographical Survey
Pinehurst Incorporated
Mineral Springs Township, Moore County
Pinehurst, North Carolina
March 16, 2020 JOB# 200053



EXHIBIT H



Clear

00029602

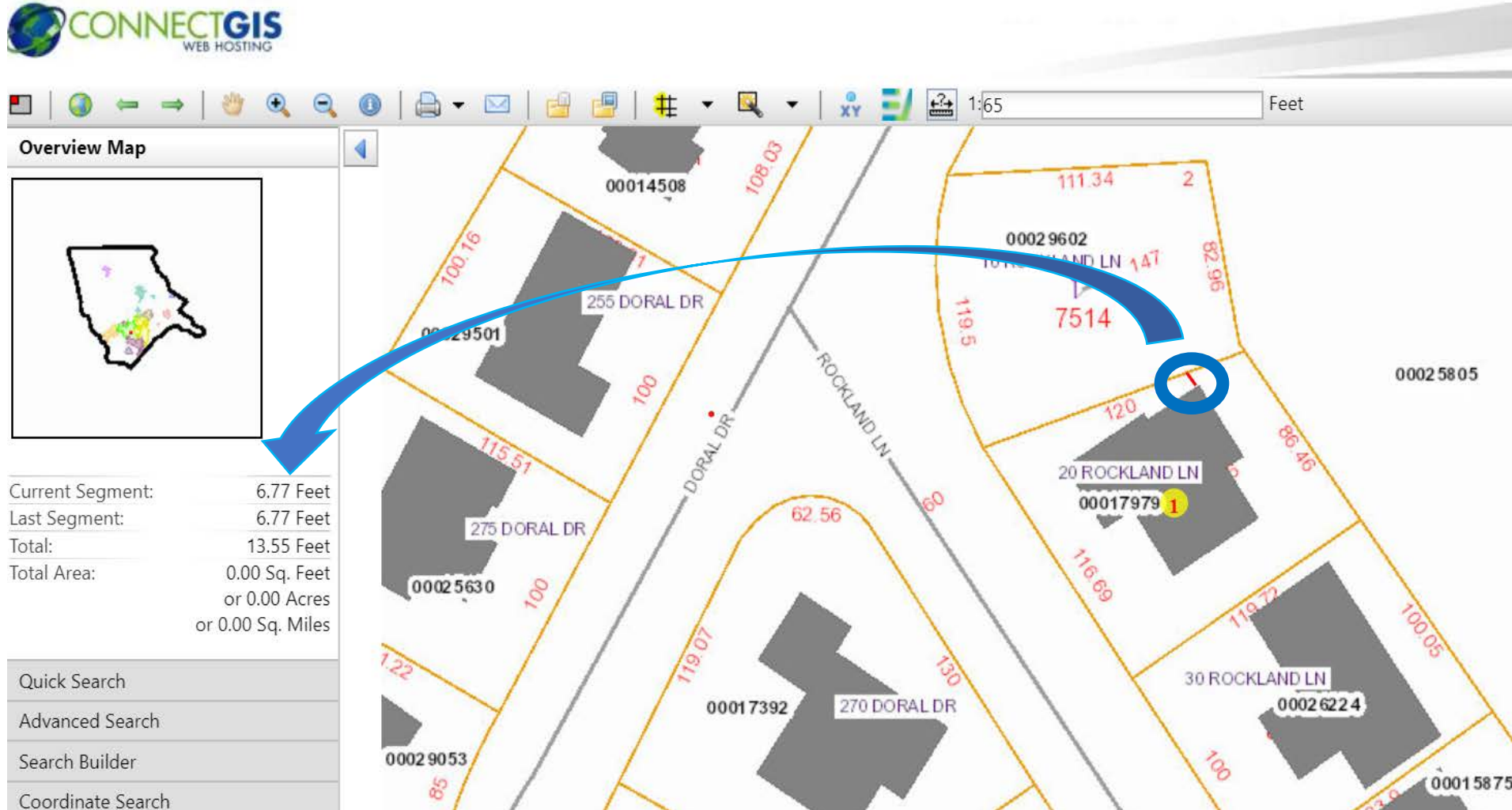
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Comparable Search







North Property Line Facing 10th Green Course No. 1



South Property Line with view of 20 Rockland Lane



Center of Property Facing 10th Green Course No. 1



North Property Line Facing North to Halfway House



March 17, 2020

Memorandum Agreement

Re: Application for Variance – 10 Rockland Lane

Pinehurst, LLC, has reviewed the variance request for 10 Rockland Lane, and mutually agrees to the following actions:

- Pinehurst does not oppose decreasing the setback from 30' to 15' on the left side of the lot (nearest side to halfway house).
- Kirk Adkins will grant an easement, in perpetuity, for the portion of the cart path that is apparently encroaching 10 Rockland Lane and will undertake the expense of obtaining the survey to determine the same.
- Pinehurst will cut down the holly tree impeding the view from the property to the 10th green on Course No. 1.

If you should have any questions, please do not hesitate to contact me.

Sincerely,

Bob Farren

Director of Grounds and Golf Course Management

Signature

Kirk Adkins

Date

3/17/20

NORTH & SOUTH
MEN'S AMATEUR
SINCE 1901

NORTH & SOUTH
WOMEN'S AMATEUR
SINCE 1903

PGA CHAMPIONSHIP
1936

RYDER CUP MATCHES
1951

U.S. AMATEUR CHAMPIONSHIP
1961 AND 2008

WORLD OPEN/
HALL OF FAME CLASSIC
1973-1982

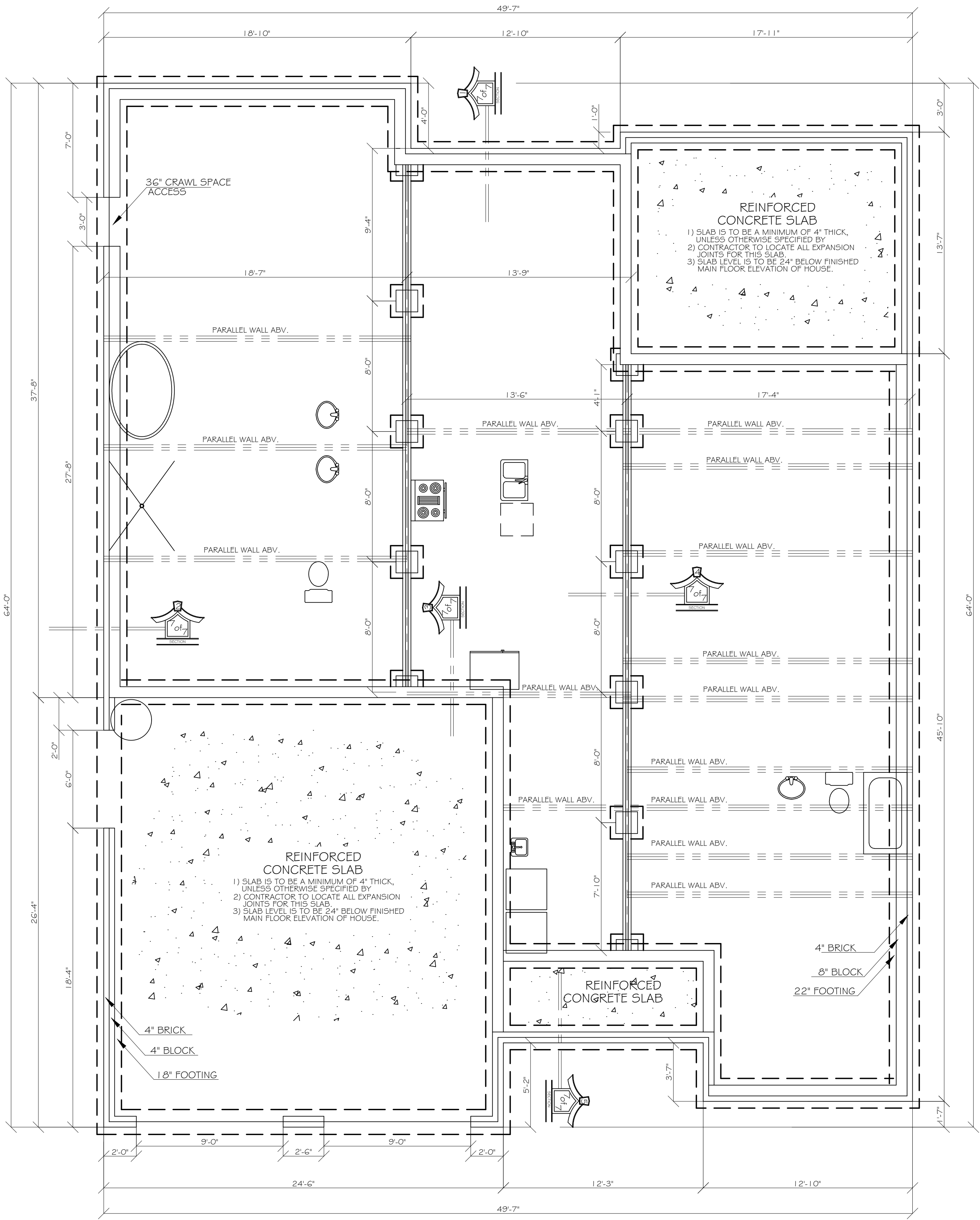
U.S. WOMEN'S
AMATEUR CHAMPIONSHIP
1989

THE TOUR CHAMPIONSHIP
1991 AND 1992

U.S. SENIOR
OPEN CHAMPIONSHIP
1994

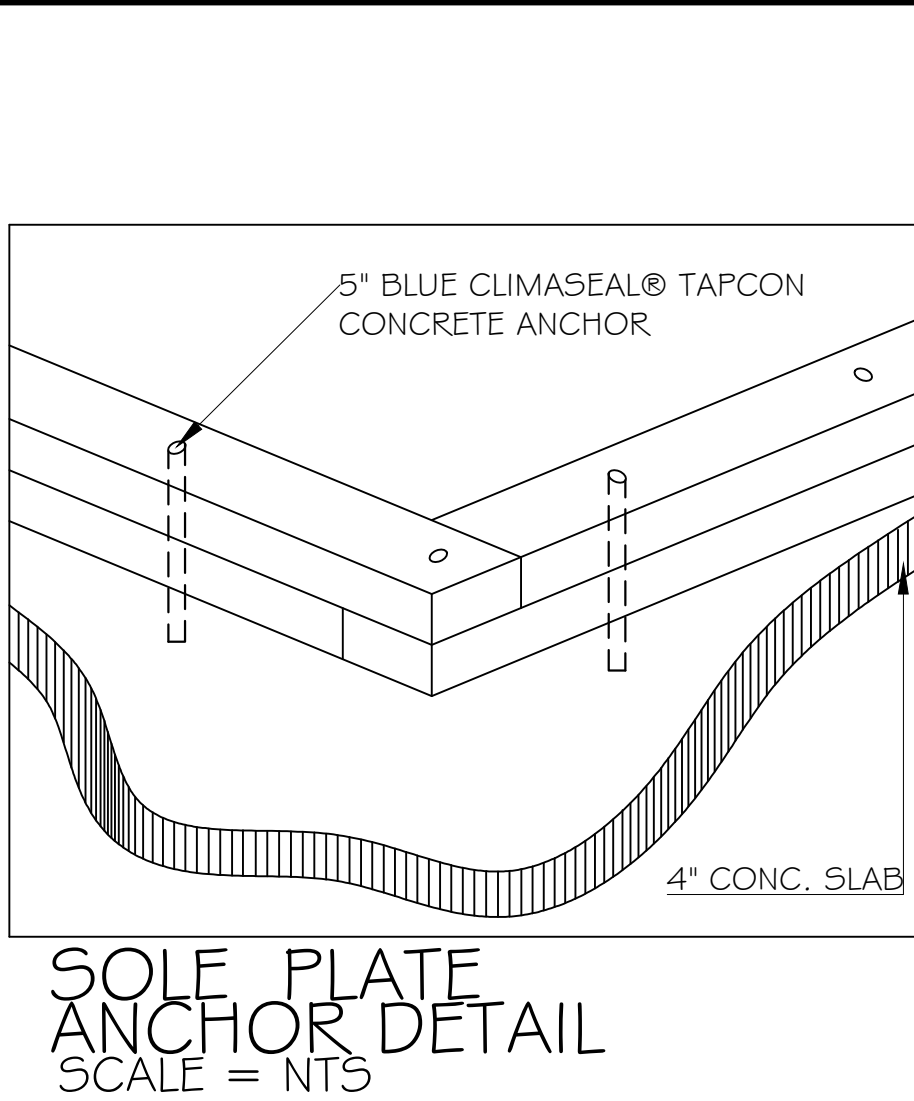
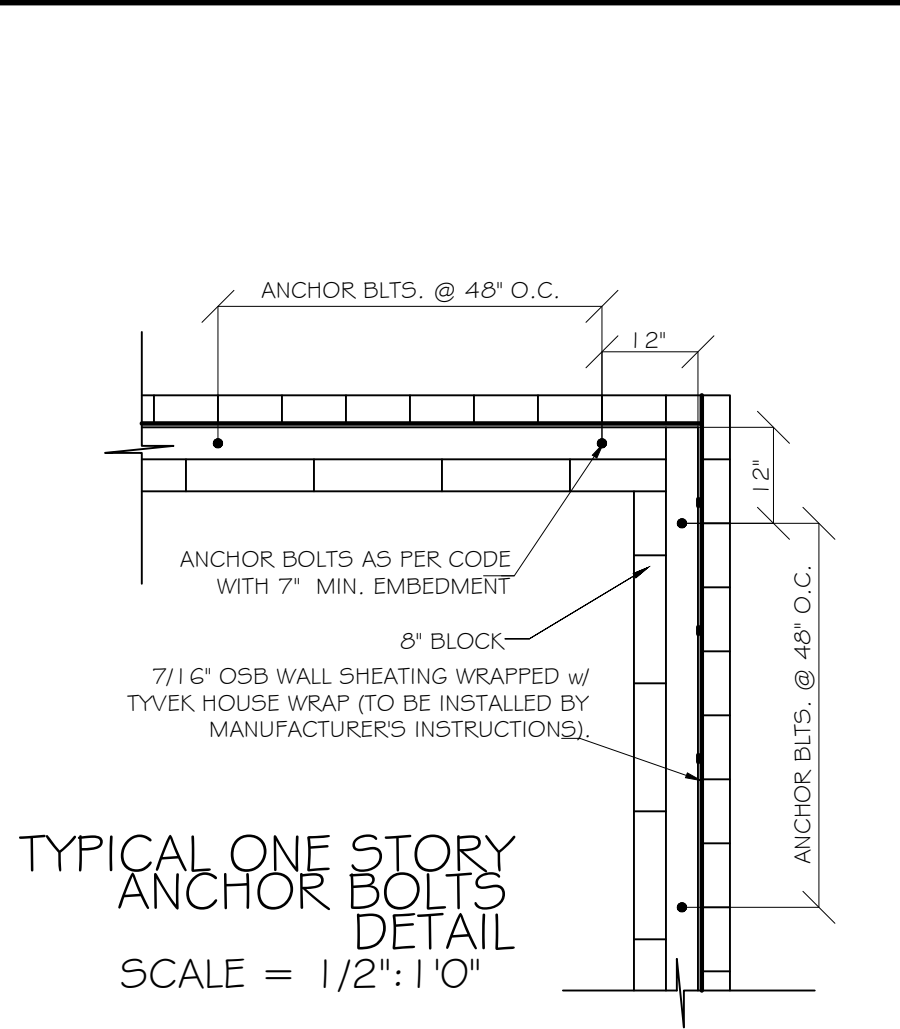
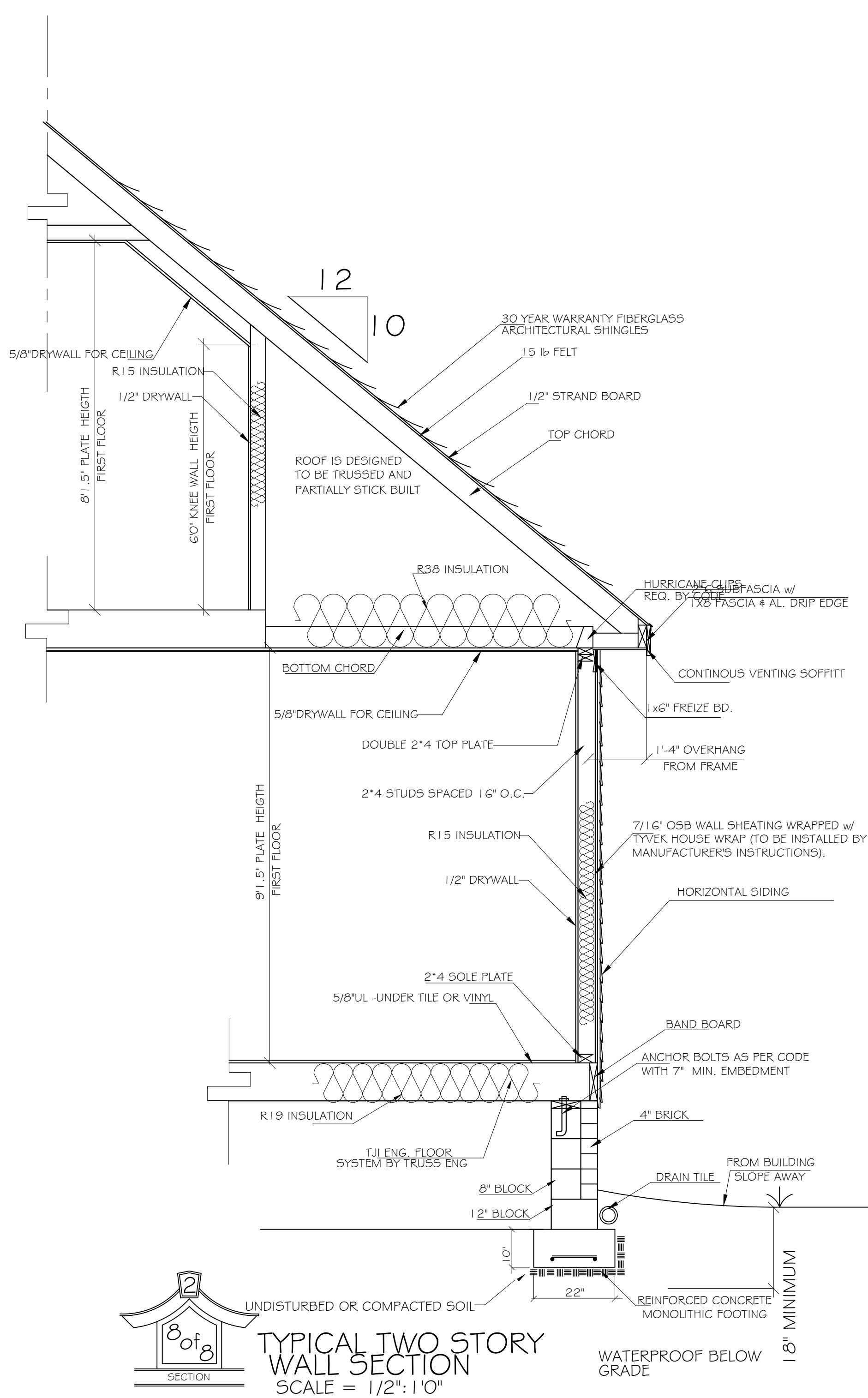
U.S. OPEN CHAMPIONSHIP
1999 AND 2005

U.S. OPEN AND
U.S. WOMEN'S OPEN
CHAMPIONSHIPS
2014



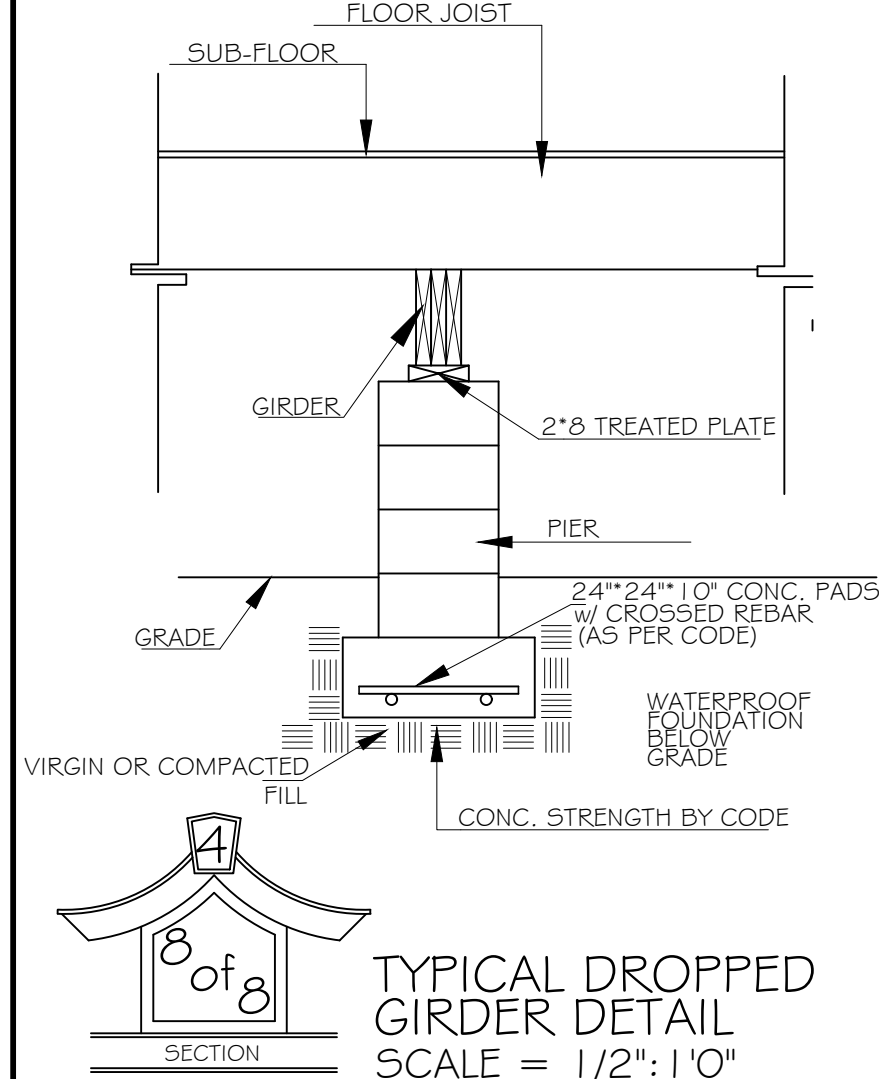
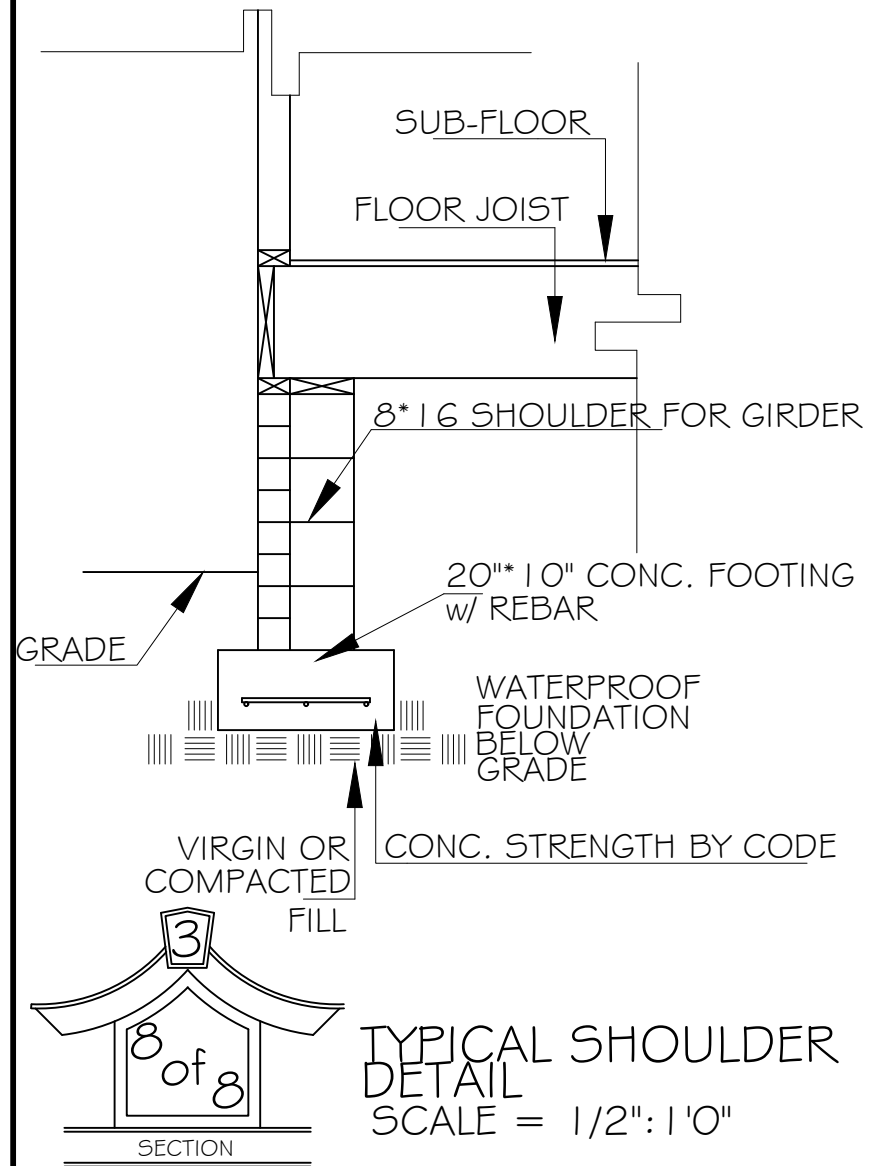
NOTE::
ALL JOIST ARE 210 SERIES 9-1/2" TJ'S @ 16" O.C.
DESIGN UNDER 40/20 PSF. LOAD
NOT TO EXCEED 18'-0" ON HORIZONTAL SPAN
ALL JOISTS UNDER PARALLEL
WALLS ARE TO BE REINFORCED.

FOUNDATION PLAN



INSULATION NOTES:
INSULATION R15 IN WALLS AND R38 IN CEILINGS--USE R30 IN CATHEDRAL UP TO 500 SQ. FT.
ATTIC OPENINGS INSIDE THE HEATED AREA MUST HAVE WEATHER STRIPPED AND R10 RATED DOORS--RIGID APPLIED FOAM IS ACCEPTABLE FOR R10--GARAGE MUST HAVE FIRE TREATED ACCESS DOOR
HOUSE WRAP MUST BE TAPED AT ALL SEAMS, HORIZONTAL AND VERTICAL EXCEPT FOR HOMES WITH SPRAY FOAM INSULATION.
HOUSE WRAP IS NO LONGER ACCEPTABLE BEHIND TUBS OR FIREPLACES FOR INSULATION SUPPORT; MUST USE RIGID SHEATHING--HOUSE WRAP IS ACCEPTABLE ON KNEE WALLS

FRAMING NOTES:
KING STUD REQUIREMENT WILL BE UPHOLD--REF. TABLE RG02.7.5
NAIL PATTERNS ON WALL SHEATHING WILL BE UPHOLD--IN SOME CASES HORIZONTAL BLOCKING MAY HAVE TO BE ADDED
OPENINGS IN WALLS WITHIN 20' OF EXTERIOR CORNERS WILL HAVE TO HAVE "800 LB." STRAPPING ON THE NEXT FULL SHEET OF EXTERIOR SHEATHING FROM TOP PLATE TO FLOOR FRAMING; BAND FOR FLOOR SYSTEM OR TREATED PLATE FOR SLAB





Enrique J. Artiga
(910)-637-0350



TYLER COOK
(910)-690-3969

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Southern Pines, N.C. 28387

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4) DESIGNER ASSUMES NO RESPONSIBILITY FOR CHANGES MADE TO THESE PLANS BY OTHERS, DURING CONSTRUCTION.

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SECOND FLOOR	1028 HTG. SQUARE FT.
GARAGE	640 SQUARE FEET
COVERED STOOP	60 SQUARE FEET
COVERED PATIO	248 SQUARE FEET
UNFINISHED STORAGE	300 SQUARE FEET

HEATED TOTAL 3076 HTG. SQUARE FEET

ALL NUMBERS ARE TO FRAME

Issue Date: EJA 04/01/2020

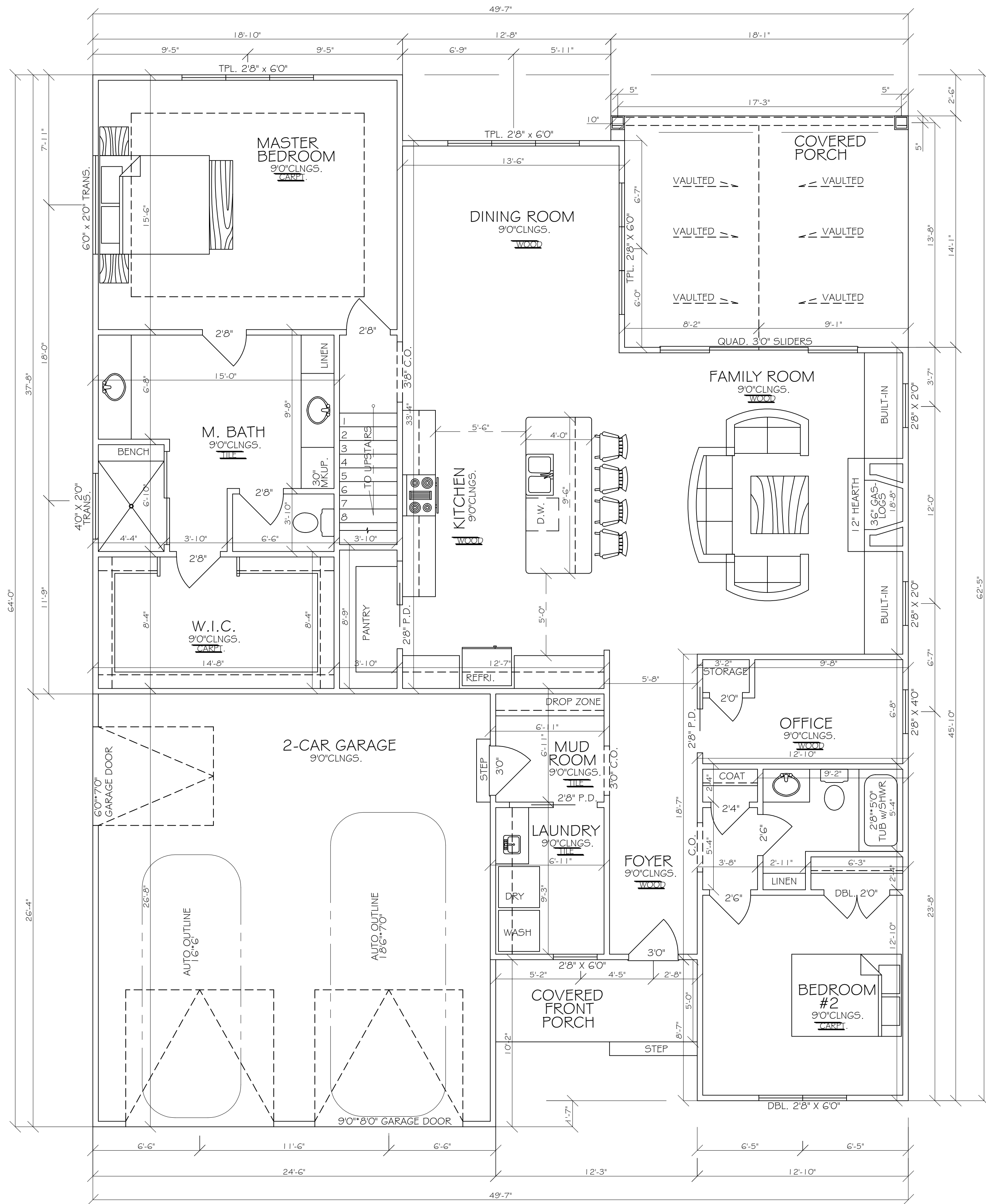
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Sheet Name: FOUNDATION PLAN

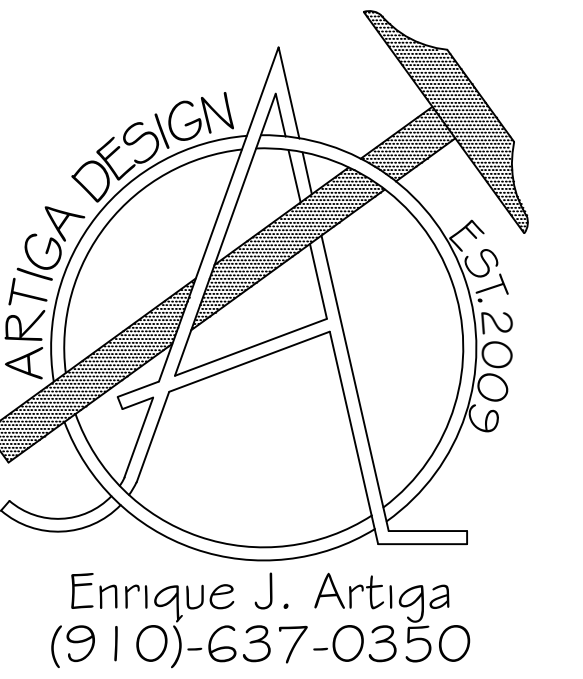
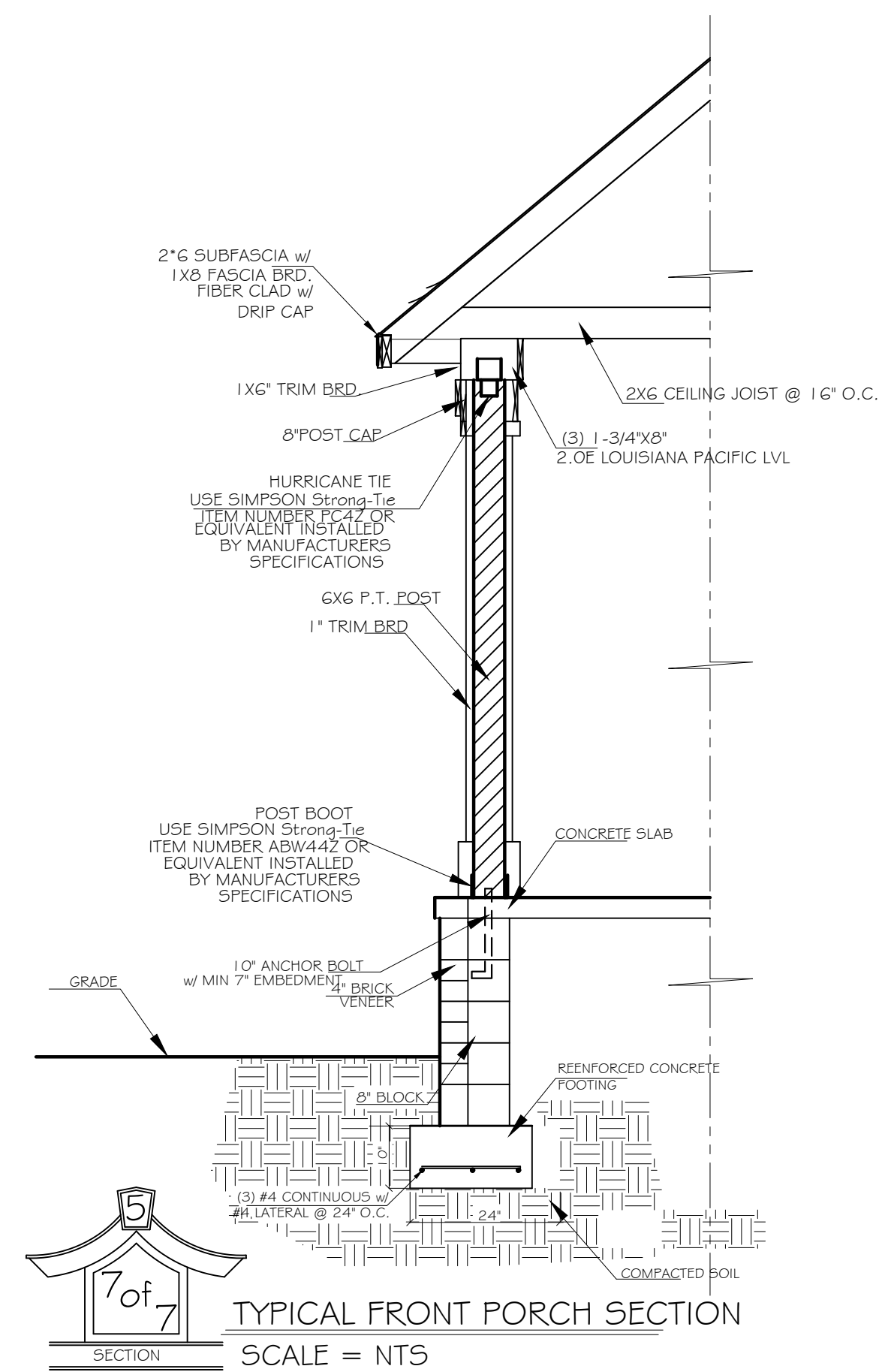
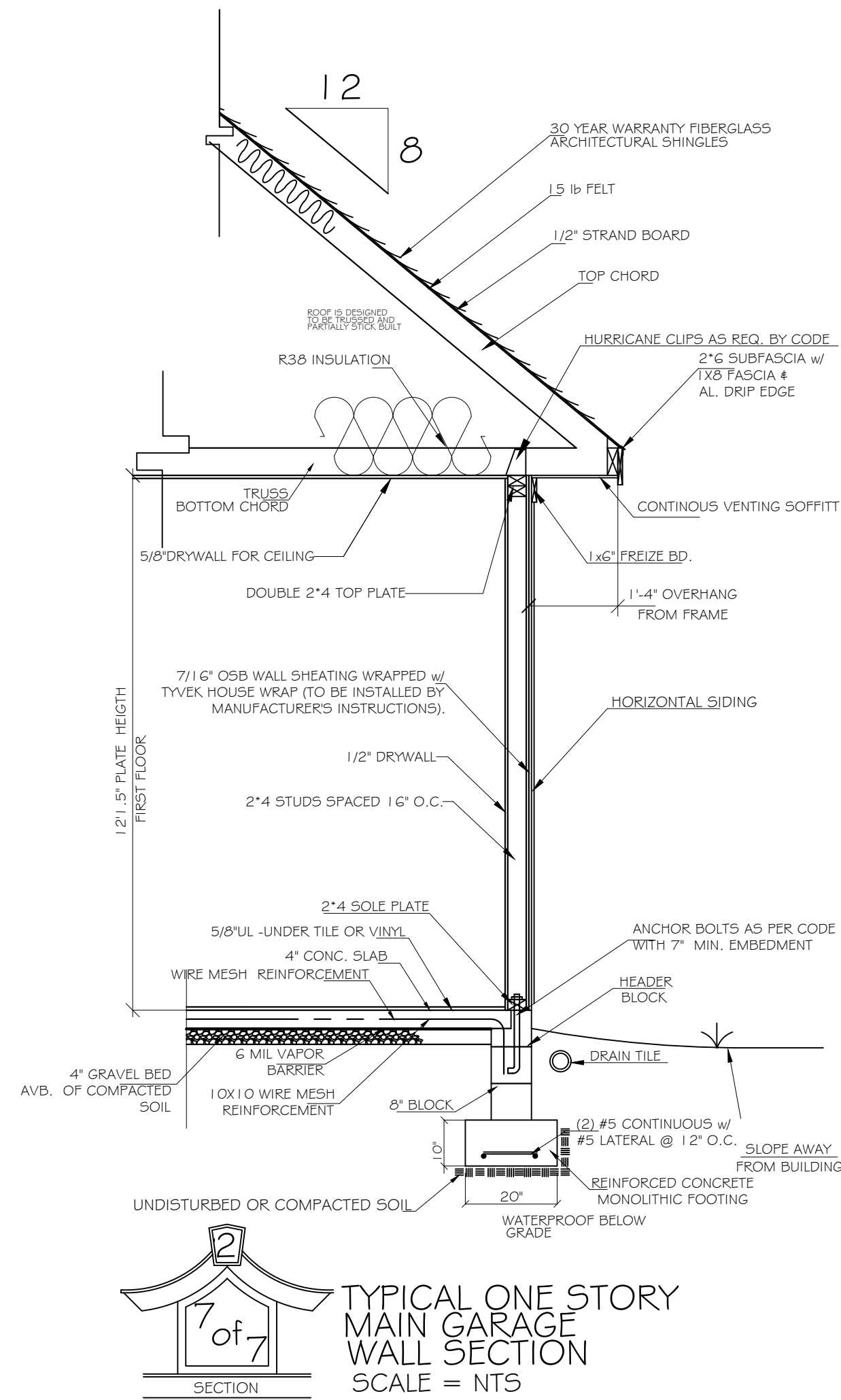
Scale: 1/4" = 1'0"

Sheet Number:

1 of 6



FIRST FLOOR PLAN



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EJA 04/01/2020

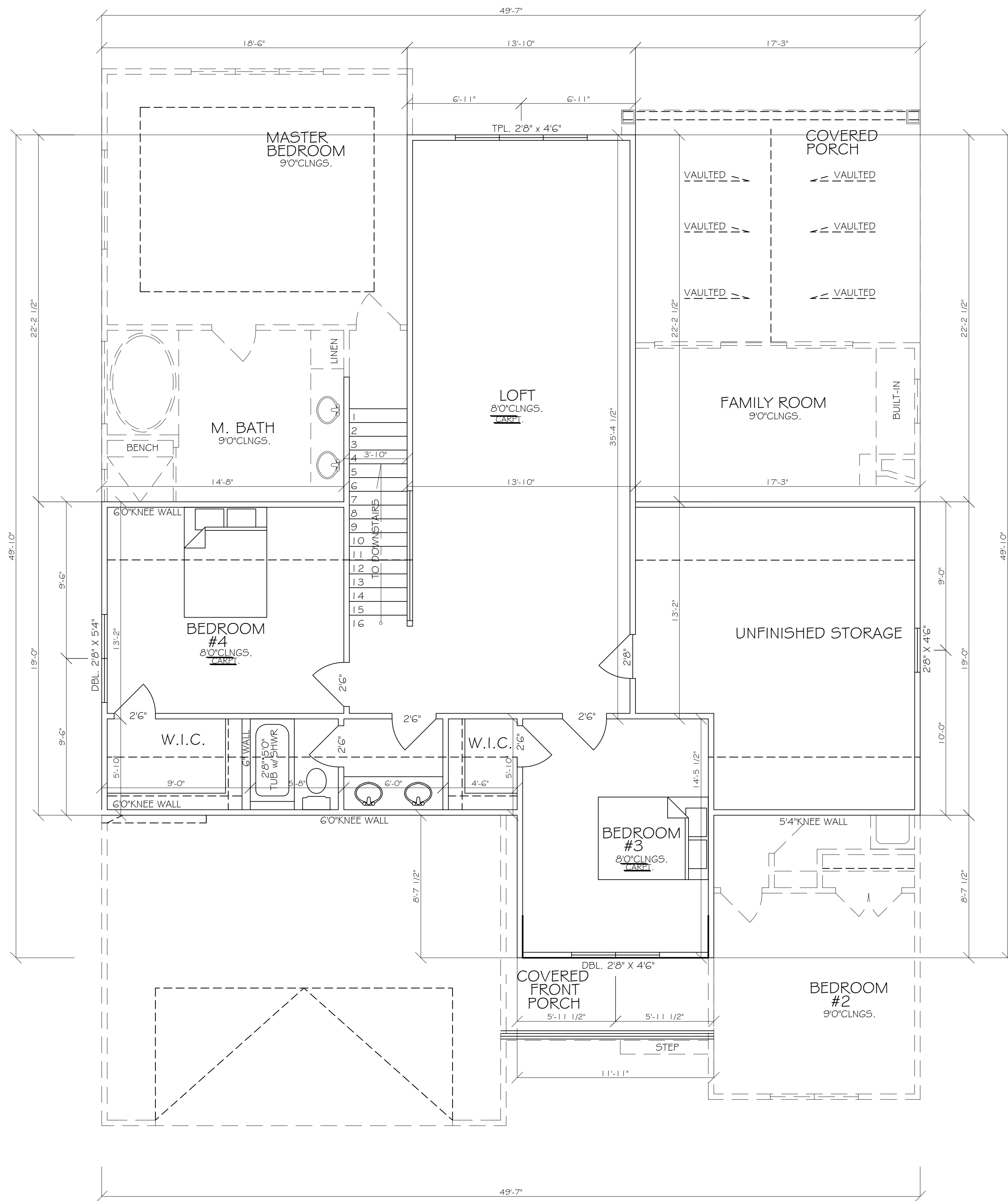
Drafting By:
EJA 03/03/2020
03/24/2020

Sheet Name:
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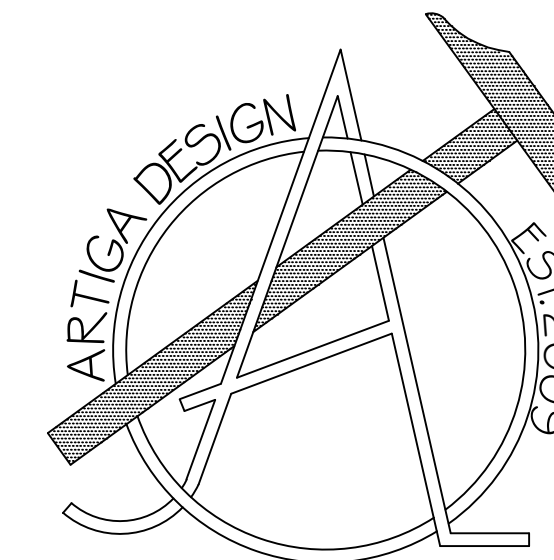
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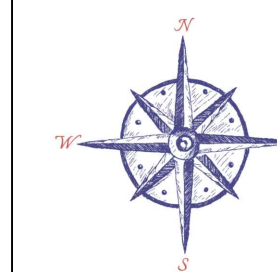
2 of 6



SECOND FLOOR PLAN



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HEATED TOTAL 3076 HTG. SQUARE FEET

ALL NUMBERS ARE TO FRAME

Issue Date:

Drafting By:
THS 2/28/2020
3/2/2020
03/03/2020
03/17/2020
03/24/2020
EJA

Sheet Name: FLOOR PLAN

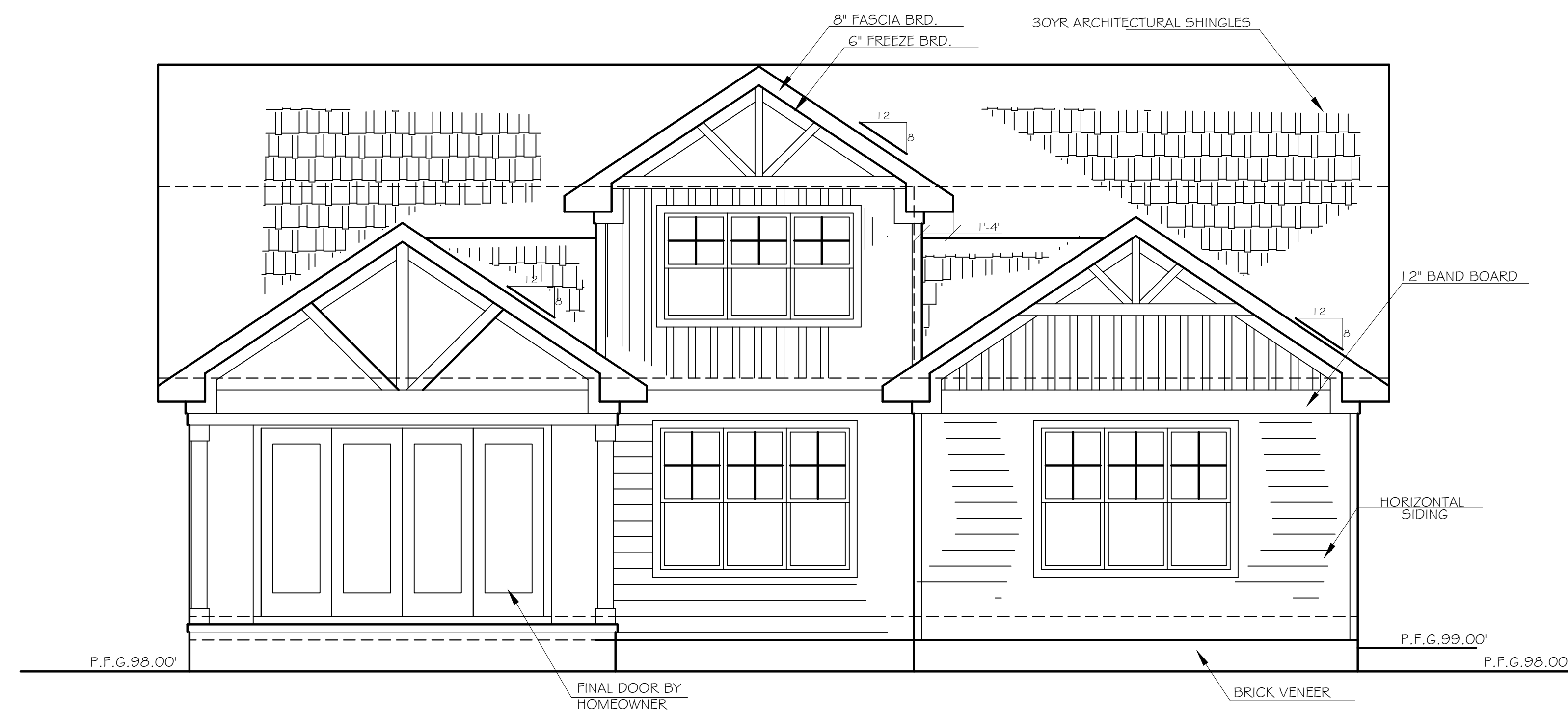
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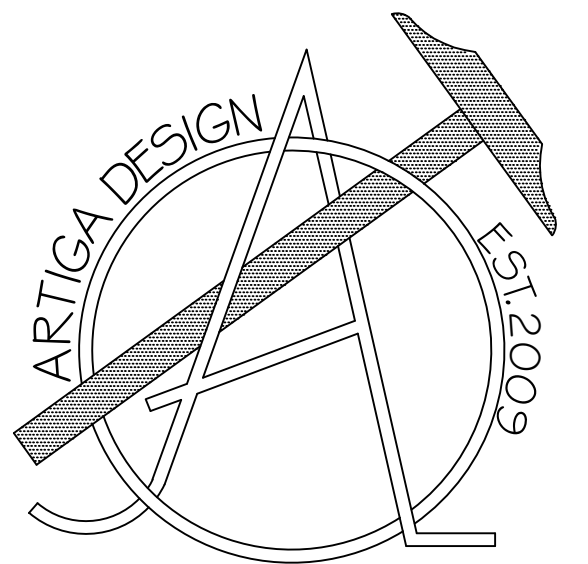
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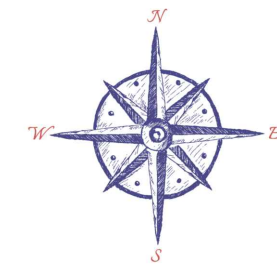
FRONT ELEVATION



REAR ELEVATION



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ALL NUMBERS ARE TO FRAME

Issue Date:
EJA 04/01/2020
Drafting By:
THS 2/28/2020
EJA 03/03/2020
03/24/2020

Sheet Name:
ELEVATION

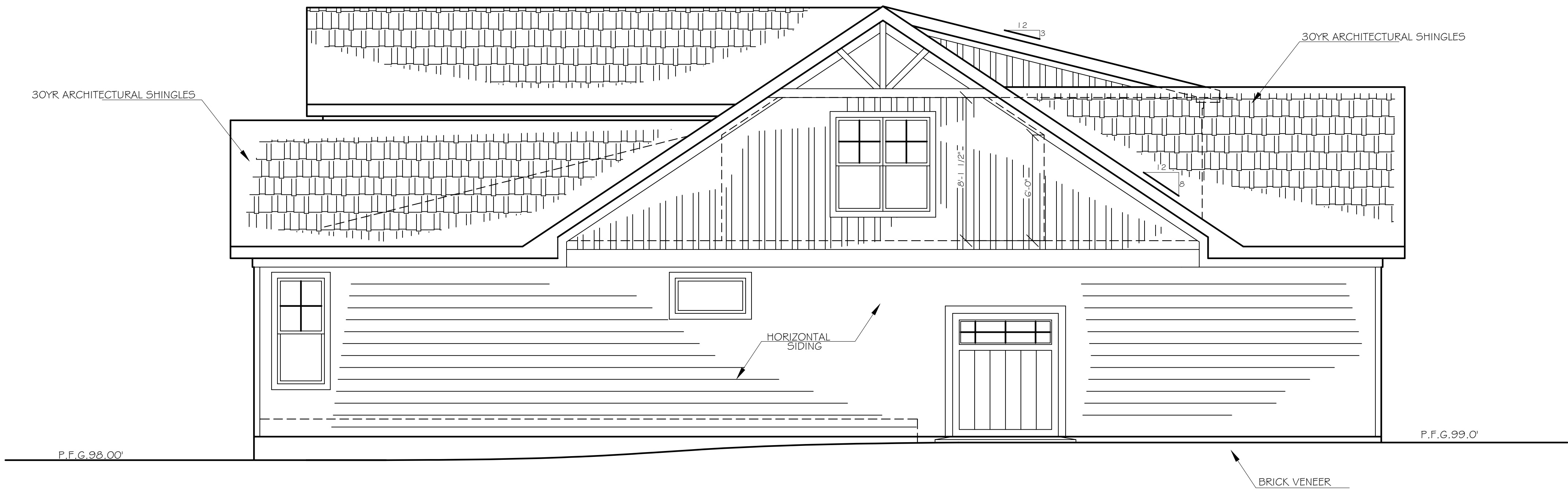
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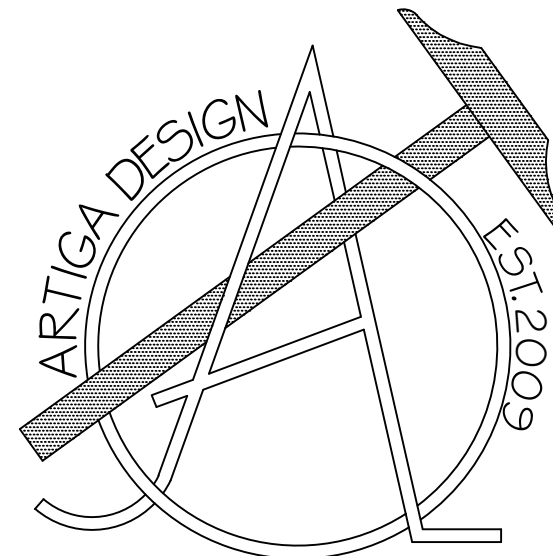
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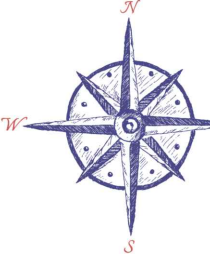
RIGHT SIDE ELEVATION



LEFT SIDE ELEVATION



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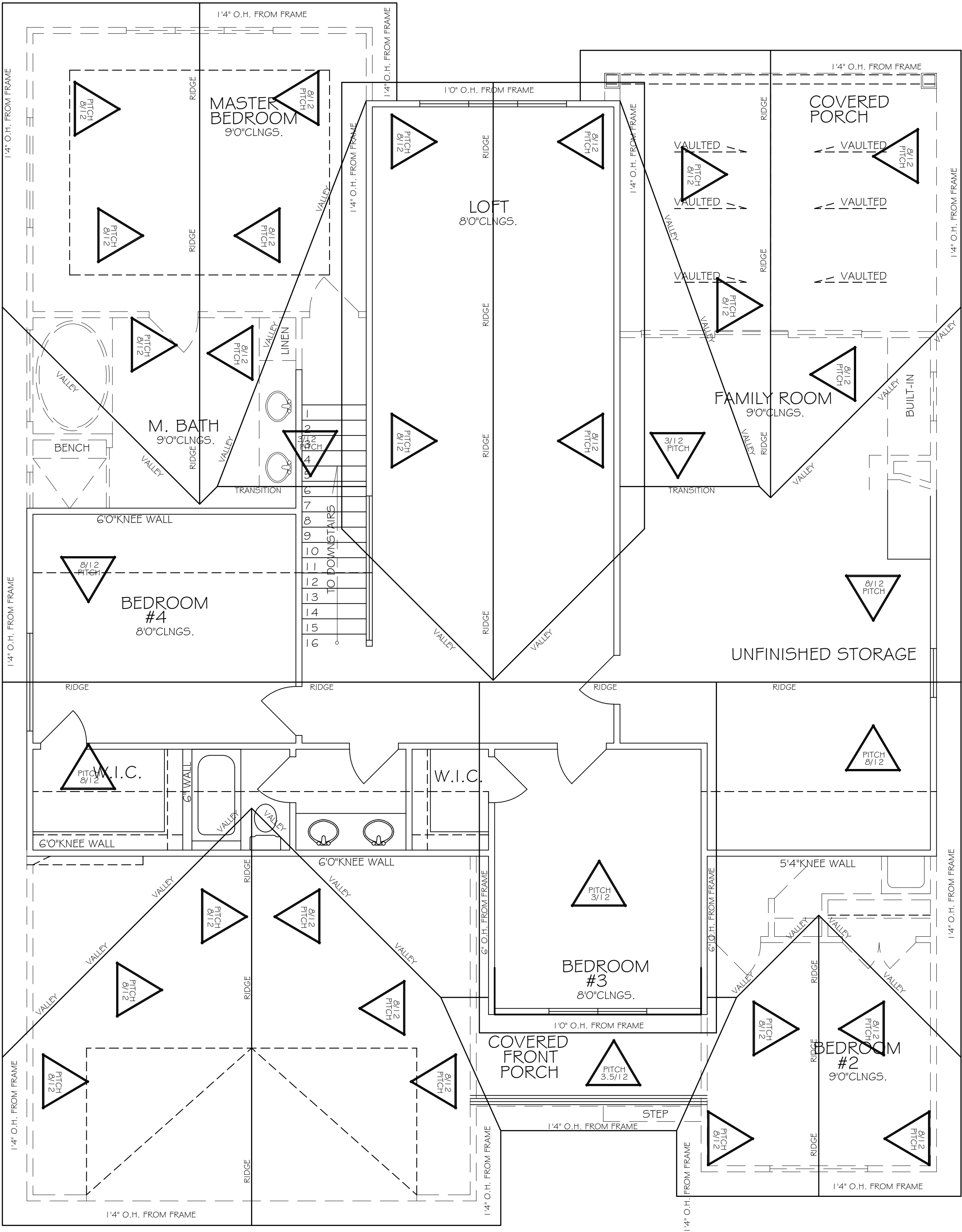
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Issue Date:
EJA 04/01/2020
Drafting By:
THS 3/2/2020
EJA 03/24/2020

Sheet Name: ELEVATION

Scale: 1/4" = 1'0"

Sheet Number:

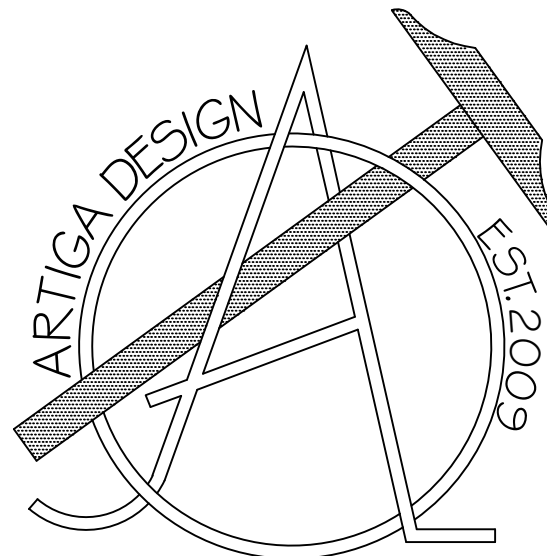
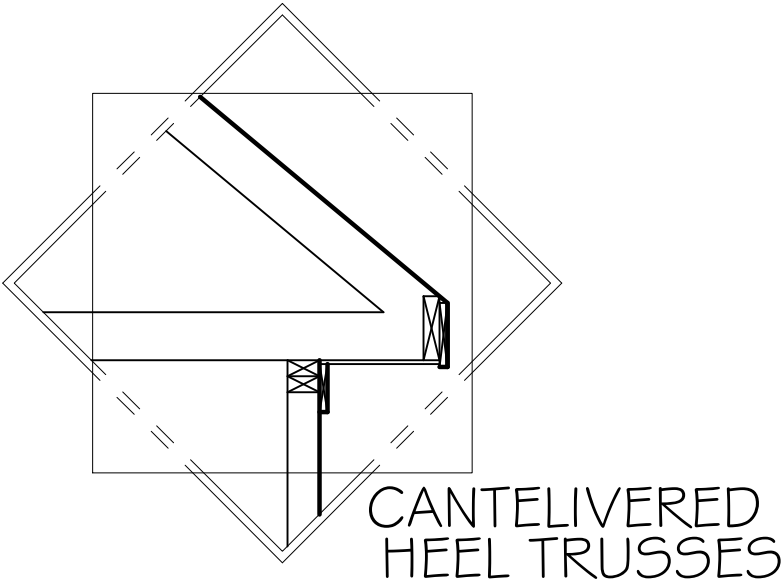
ROOF LAYOUT



- NOTE:
- 1) MAIN ROOF SYSTEM HAS A CANTILVERED OVER-HANG DESIGN. SOME AREAS ARE TO BE RASED. LISTED NUMBERS ARE APPROXIMATIONS. FRAMER/ BUILDER TO CONFIRM AND ADJUST ACCORDINGLY ON SITE.
 - 2) FASCIAS ARE TO LINE UP ACCORDING TO ENCLOSED ELEVATIONS. FRAMER/ BUILDER MAY HAVE TO ADJUST OVERHANGS IN CERTAIN AREAS TO ALLOW FOR THIS.
 - 3) ALL OVER FRAME AREAS ARE TO BE STICK BUILT, ACCORDING TO SPECIFICATIONS BELOW.

USE NO. 2 SOUTHERN YELLOW PINE 2X10
RAFTERS SPACES @ 16" O.C.
MAX. HORIZONTAL SPAN NOT TO EXEED 16'5"

USE NO. 2 SOUTHERN YELLOW PINE 2X8
CEILING JOISTS @ 16" O.C.
MAX. HORIZONTAL SPAN NOT TO EXEED 16'5"



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HEATED TOTAL 3076 HTG. SQUARE FEET

ALL NUMBERS ARE TO FRAME

Issue Date:

EJA 04/01/2020

Drafting By:

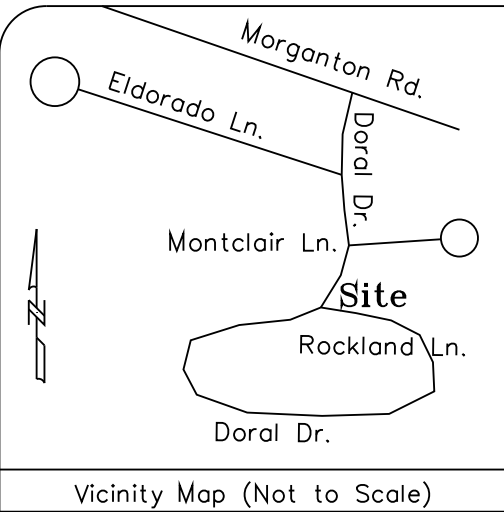
THS 03/03/2020
EJA 03/24/2020

Sheet Name: ROOF PLAN

Scale: 1/4" = 1'0"

Sheet Number:

6 of 6



Location of underground utilities, if shown, are based on visible evidence and drawings provided to the surveyor. Location of underground utilities and structures may vary from shown locations. Additional utilities may exist. Local utility companies should be consulted for further information on utilities affecting the property.

This survey was done without benefit of an attorney's title search which could disclose zoning, restrictive covenants, easements not visible to surveyor, building setbacks, or other information which could affect surveyed property.

No subsurface or environmental considerations affecting this property have been made by surveyor.

CURVE TABLE					
Curve	Length	Radius	Chord Dir.	Chord Dist.	Delta Angle
C1	119.35	131.52	S08°02'52"E	115.29	51°59'33"

Per M.B. 11, PG 19
Moore County Registry

Notes: This map is not in accordance with GS 47-30. Area by coordinate method.
Dashed lines not surveyed, drawn from information as indicated.
There are no visible encroachments other than those shown hereon.
Survey is subject to any Declaration of Restrictions, Conditions, Easements, Covenants, Agreement, Liens and Charges of Record.
"Verify Minimum Building Setbacks Before Construction"
Parcel ID #00029602, PIN #856217107514
Contour interval = 0.50', based on assumed datum.
All pine trees are "Longleaf" unless otherwise stated.

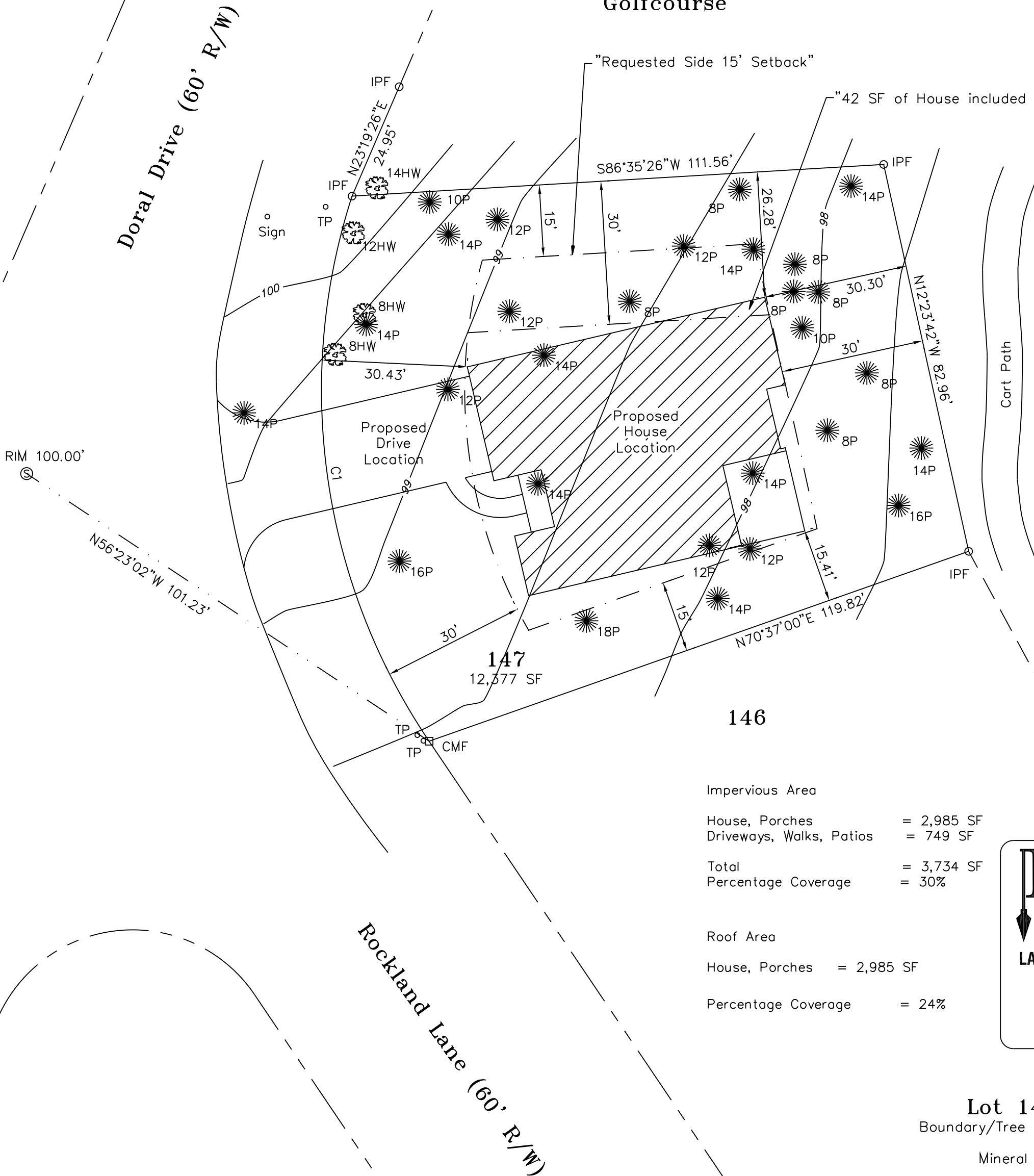
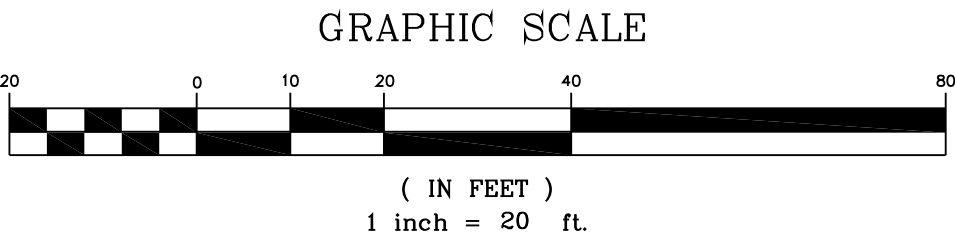
Legend: IPF = Iron Pipe Found
IPS = Iron Pipe Set
IRF = Iron Rod Found
IRS = Iron Rod Set
CMF = Concrete Monument Found
⊙ = Sewer Manhole
⊕ = Fire Hydrant
○ = Utility Pole
CATV = Cable Television
PSO = Power Stub Out
TP = Telephone Pedestal
WV = Water Valve
☆ = Light Pole
— — = Building Setback Line
—OHU— = Overhead Utilities
☒ = Water Meter
SSO = Sanitary Sewer Stub Out
☐ = Electrical Transformer
☑ = HVAC
12P = 12" Pine Tree(Typ.)
12HW = 12" Hardwood Tree(Typ.)
—SS— = Sanitary Sewer
○ = Calculated Point

Reference: Map Book 11, Page 19
Deed Book 3594, Page 556
Moore County, North Carolina

"I certify that this map was drawn under my supervision from an actual survey made under my supervision (as described in Book 3594, page 556) and that the boundaries not surveyed are clearly indicated as such from information as indicated, and that the ratio of precision or positional accuracy is 1:20,000 and that this map meets the requirements of the Standards of Practice for Land Surveying in North Carolina (21 NCAC 56.1600)." This 16th day of March, 2020.

Ryan McBryde
Professional Land Surveyor

L-4394
Registration Number



Impervious Area	
House, Porches	= 2,985 SF
Driveways, Walks, Patios	= 749 SF
Total	= 3,734 SF
Percentage Coverage	= 30%
Roof Area	
House, Porches	= 2,985 SF
Percentage Coverage	= 24%

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Aberdeen, NC 28315
Phone/Fax (910) 944-2410

Survey For:
Kirk S. Adkins
Lot 147, Unit 11, Phase 2
Boundary/Tree Location/Topographical/Site Plan Survey
Pinehurst Incorporated
Mineral Springs Township, Moore County
Pinehurst, North Carolina
March 16, 2020 JOB# 200053