



Board of Adjustment
May 3, 2018
Assembly Hall
395 Magnolia Road
Pinehurst, North Carolina
4:30 pm

MINUTES

Board Members in Attendance

Fred Engelfried, Chair
Cyndie Burnett, Alternate
David Kelley, BOA Member
Mike Marsh, BOA Member
Leo Santowasso, BOA Member
Joel Shriberg, Alternate

Board Members Absent:

Jeff Haarlow, BOA Alternate
Julia Latham, Vice-Chair ETJ

Staff in Attendance:

Will Deaton, Planning and Inspections Director
Alex Cameron, Senior Planner
Gwendy Hutchinson, Planning and Administrative Assistant
Jamie Reed, Planning Technician
Angel Smith, Zoning Enforcement Officer

Attorneys in Attendance:

S. Kent Smith, Attorney for the Applicants
John Silverstein, BOA Attorney

Court Reporter:

Sandra Wise, President Starkings Court Reporting

I. Call to Order

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

Chair Engelfried stated that the Board has four (4) members seating and they would be; David Kelley, Michael Marsh, Leo Santowasso; and me, Fred Engelfried. Chair Engelfried asked for a motion to appoint Cyndie Burnett as the fifth voting member in today's proceedings. Leo Santowasso made a motion to appoint Cyndie Burnett; Mike Marsh seconded the motion, which was approved unanimously.

Chair Engelfried introduced John Silverstein as the Board of Adjustment Attorney.

II. Approval of Minutes and Transcript

A. April 5, 2018

David Kelley made a motion to approve the Minutes and Transcript for April 5, 2018. Leo Santowasso seconded the motion, which was unanimously approved.

III. Recess the Regular meeting and enter into Public Hearing No. I

David Kelley made a motion to recess the regular meeting and enter into Public Hearing No. 1. The motion was seconded by Mike Marsh and was unanimously approved.

IV. Sworn in:

The following were sworn in: Will Deaton, Planning and Inspections Director; Alex Cameron, Senior Planner; James Flanagan, Property Owner; James Maddix, Resident; and Helen Dalitsouris, owner of Theo's Taverna.

V. Public Hearing No. 1 – Continuance from the April 5, 2018 meeting

To receive evidence on the Appeal from an action and decision of the Pinehurst Zoning Administrator to the Board of Adjustment, regarding an application made by S. Kent Smith, attorney for James P. Flanagan. Specifically, this request is seeking a determination from the Board of Adjustment regarding the decision of the Pinehurst Zoning Administrator in applying the regulatory provisions of section 9.1(E)(2) "Required Setbacks: Allowable Encroachments into Required Yards" of the Pinehurst Development Ordinance regarding a

patio at 95 Oak Hills Rd., Pinehurst NC. This property is also defined as Moore County PID# 00023786.

S. Kent Smith, Attorney and James P. Flanagan, Property Owner were present to answer any questions or concerns of the Board.

After discussions, Leo Santowasso made a motion to deny the Appeal and uphold the Village's decision. Mike Marsh seconded the motion.

Poll the Board

Fred Engelfried Yes

Cyndie Burnett Yes

David Kelley No

Mike Marsh Yes

Leo Santowasso Yes

The motion to deny the Appeal, carried (4-1). The transcript is available in the Planning Department.

VI. Close Public Hearing No. 1

Mike Marsh made a motion to close Public Hearing No. 1; seconded by Leo Santowasso, which was unanimously approved.

VII. Public Hearing No. 2

Cyndie Burnett moved to recess the regular meeting and enter into Public Hearing No. 2. Motion seconded by Fred Engelfried and unanimously approved.

The purpose of the public hearing is to receive testimony for a variance request from section 9.7.1.4 (D) Freestanding Sign Standards for the property at 38 Chinquapin Rd. This property is located within the VC (Village Center) Zoning District and the Local Historic District, further identified by Moore County PID # 00030476. Specifically, the applicant and owners, Elias & Helen Dalitsouris are requesting a variance from the standard that portable A-frame signs shall be located within 12 feet of the business main entrance to allow the portable A-frame sign to be placed approximately 68 feet from the main entrance of Theo's Taverna.

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

S. Kent Smith, Attorney and Helen Dalitsouris were present to answer any questions or address any concerns of the Board.

S. Kent Smith, Attorney entered into the record a note on a consent decree by Jim Saunders, owner of the building, agreeing to the sign being placed in front of his building with the condition that the menu board to remain temporary and when placed next to his "post" sign, the menu is secure either to my building or the "post" sign in a manner to prohibit it from falling over.

VIII. Close Public Hearing No. 2 and re-enter into the Regular meeting.

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

After discussion, Fred Engelfried discussed that the Board's decision is based on fact(s). The Board can either approve, deny or continue Public Hearing No. 2.

David Kelley made a motion to approve the variance from section 9.7.1.4(D) Freestanding Sign Standards an A-frame sign for the property at 38 Chinquapin Road. Mike Marsh seconded the motion, which was unanimously approved.

Poll the Board

<i>Fred Engelfried</i>	<i>Yes</i>
<i>Cyndie Burnett</i>	<i>Yes</i>
<i>David Kelley</i>	<i>Yes</i>
<i>Mike Marsh</i>	<i>Yes</i>
<i>Leo Santowasso</i>	<i>Yes</i>

The vote carried 5-0 for the variance request. The transcript is available in the Planning Department.

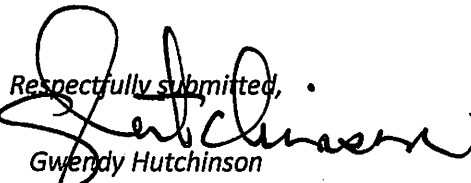
IX. Next Meeting Date

A. June 7, 2018

X. Adjourn

David Kelley made a motion to adjourn. Leo Santowasso seconded the motion, which was unanimously approved.

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Respectfully submitted, .


Wendy Hutchinson
Planning and Administrative Assistant
Village of Pinehurst