# BOARD OF ADJUSTMENT
# APRIL 30, 2020
# ASSEMBLY HALL
# 395 MAGNOLIA RD.
# PINEHURST, NORTH CAROLINA

**4:00 P.M.**

I. Call to Order

II. Approval of Minutes

A. February 6, 2020 Regular Meeting Minutes

III. 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 at 1 Inverrary Road, further identified by Moore County PID # 00013958. This property is located within the R-30 (Medium Density Residential) Zoning District. Specifically, the applicant and owners, Thomas and Joan Moynihan, are requesting a variance to encroach approximate 3' 3 ¾" into the 60' lakefront/golf course setback to allow for the addition of a screened-in porch.

IV. Next Meeting Date

A. May 7, 2020 Regular Meeting

V. 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.*

# FEBRUARY 6, 2020 REGULAR MEETING MINUTES
## ADDITIONAL AGENDA DETAILS:

**FROM:**
Kelly Brown

**CC:**
Darryn Burich & Alex Cameron

**DATE OF MEMO:**
3/23/2020

**MEMO DETAILS:**
Attached are the 02-06-2020 draft regular meeting minutes for your review.

**ATTACHMENTS:**

| | Description |
|---|---|
| 🗋 | 02-06-2020 Regular Meeting Minutes |

**BOARD OF ADJUSTMENT**
**THURSDAY, FEBRUARY 6, 2020**
**ASSEMBLY HALL**
**395 MAGNOLIA ROAD**
**PINEHURST, NORTH CAROLINA**
**4:30 PM**
**IMMEDIATELY FOLLOWING PLANNING & ZONING BOARD MEETING**

| **Board Members Present**: | **Board Members Absent:** | **Staff Present:** |
|---|---|---|
| Julia Latham, Chair | David Kelley | Darryn Burich, Planning and Inspections Director |
| Leo Santowasso, Vice Chair | | Alex Cameron, Senior Planner |
| Joel Shriberg | | Kelly Brown, Administrative Assistant |
| Cyndie Burnett | | |
| Philip Shumaker, Alternate | | |

**I. Call to Order**

Ms. Latham confirmed that a quorum was present and called the meeting to order at 4:25 pm.

Motion: Mr. Santowasso moved to seat Philip Shumaker as a regular member of the Board of Adjustment. Seconded by Ms. Burnett. Motion carried by a vote of 3-0.

**II. Approval of Minutes**

**A. December 5, 2019 Regular Meeting Minutes**

Motion: Mr. Santowasso moved to approve the December 5, 2019 regular meeting minutes. Seconded by Ms. Burnett. Motion carried by a vote of 4-0.

**III. Public Hearings**

**A. Public Hearing No. 1**

Mr. Shriberg, Ms. Latham, and Ms. Burnett disclosed that they are members of the Pinehurst Country Club, and all stated it would not affect their impartiality.

Motion: Mr. Santowasso moved to recess the regular meeting and enter into Public Meeting No. 1. Seconded by Mr. Shumaker. Motion carried by a vote of 4-0.

The following were sworn into the meeting by Ms. Latham: Senior Planner Alex Cameron, project director for Pinehurst Resort, Calvin Burkley, consultant John Tise of Tise-Kiester Architect, and consultant Perry Harrison of LKC Engineering.

Mr. Cameron stated that the purpose of the public hearing is to receive testimony for a variance request from section 9.7.1.4(C) Sign Regulations, Wall Signs maximum area for the property at 5 Community Road, further identified by Moore County PID # 00024847. This property is located within the VMU (Village Mixed Use) Zoning District. Specifically, the applicant the Resorts of Pinehurst, Inc., is requesting a variance from the 6 square foot maximum wall sign area to allow for a 10 square foot wall sign.

Mr. Cameron entered the following documents into the record: variance application (exhibit A), hardship description (exhibit B), proposed sign rendering (exhibit C), proposed sign elevation (exhibit D), site plan (exhibit E), photo of old Pinehurst fire station sign (exhibit F), photo of Pinehurst Brewery sign (exhibit G), photo of Tater Barn sign (exhibit H), photo of Hughes Plumbing sign (exhibit I), phot of the rescue squad station sign (exhibit J), staff report (exhibit K), and the draft board decision letter. Mr. Cameron provided background on the property and request from his staff report.

Mr. Harrison stated that a six square foot sign is difficult to see from the street. He stated the Manor Inn is situated at an acute angle due to intersection of Community Road and Magnolia Road. He stated most buildings in the Village Mixed Used (VMU) district are 30 to 50 feet away from the street. Because of the acute angle of the property, the Manor Inn is 90 feet away from the street. Mr. Harrison testified that instead of asking for (2) six foot square wall signs totaling 12 square feet, which is an allowable request, they are requesting one 10 square foot wall sign. Mr. Harrison believed the sign was appropriate in context and scale for the building and for the district. Mr. Harrison testified that the lettering of the proposed wall sign would be dark grey/black and be lit externally at night. He stated there is an existing arm sign in the front of building.

Ms. Latham questioned if granted the variance, would the applicant commit to not requesting a second wall sign. Mr. Burkley stated it was not their intent to apply for a second sign.

Motion: Mr. Shriberg moved to close Public Hearing No. 1 and re-enter the regular meeting. Seconded by Ms. Burnett. Motion carried by a vote of 4-0.

Motion: Ms. Burnett moved to reopen Public Hearing No. 1 to allow public comments. Seconded by Mr. Santowasso. Motion carried by a vote of 4-0.

There were no comments from the public.

Motion: Ms. Burnett moved to close Public Hearing No. 1 and re-enter the regular meeting. Seconded by Mr. Shumaker. Motion carried by a vote of 4-0.

Motion: Ms. Burnett moved to approve the variance request for the property at 5 Community Road with the following findings of fact and conclusions of law:

A. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;

   *The building faces the intersection of two roads and because of this the setback is further back than most buildings in the VMU district. This prevents the use of the (2) six foot signs to identify the Manor Inn because the entrance does not face either road.*

B. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance;

*The placement of the Manor Inn in relation to intersection and the placement of the entrance in relationship to each road.*

C. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship;

*The Manor Inn was built in 1923, therefore beyond applicant's control.*

D. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

*The variance is the best solution to identify the Manor Inn to visitors and residents.*

With the condition that no additional six foot signs may be added to the other sides of the Manor Inn. Seconded by Mr. Santowasso. Motion carried by a vote of 5-0.

| **Roll Call** | |
|---|---|
| Shriberg | *Aye* |
| Santowasso | *Aye* |
| Burnett | *Aye* |
| Shumaker | *Aye* |
| Latham | *Aye* |

Ms. Latham declared a short recess. The Board reconvened at 5:05 pm.

**B. Public Hearing No. 2**

Mr. Shriberg stated he is an unpaid volunteer for a finance committee at FirstHealth. He stated he had no personal or financial interest in the outcome of the decision. Ms. Latham asked the Board if they felt Mr. Shriberg could remain impartial; the Board did not object.

Motion: Mr. Santowasso moved to recess the regular meeting and enter into Public Meeting No. 2. Seconded by Mr. Shumaker. Motion carried by a vote of 4-0.

The following were sworn into the meeting by Ms. Latham: applicant Michael Martin of FirstHealth of the Carolinas and Senior Planner Alex Cameron.

Mr. Cameron stated that the purpose of the public hearing is to receive testimony for a variance request from section 9.7.1.4(C) Sign Regulations, Wall Signs maximum area for the property at 238 Page Rd. N., now identified as 100 Page Road, further identified by Moore County PID # 00023475. This property is located within the HD (Hospital Development) Zoning District. Specifically, the applicant First Health of the Carolinas, is requesting a

variance from the 12 square foot maximum wall sign area to allow for a 37.4 square foot wall sign. The property owner is First Health of the Carolinas, Inc.

Mr. Cameron provided background on the property and request from the staff report. He stated that during review of the application, it was discovered that the property address needed to be updated to 100 Page Road. Mr. Cameron entered the following documents into the record: FirstHealth volunteer and staff statements (exhibit 1), NCDOT area traffic volume map (exhibit 2), photos of the weekday morning traffic (exhibit 3), site plan (exhibit 4), sign rendering (exhibit 5), variance application (exhibit 6), updated address map from Moore County E-911 (exhibit 7) staff report (exhibit 8) and the draft board decision letter.

Ms. Latham requested to strike Exhibit 1 from the record as hearsay evidence as the authors of the letter could not be confirmed, and were not present to testify.

Mr. Martin testified that the photos in Exhibit 3 were taken around 10 am. He stated that the purpose of the photo is to show the difficulty of seeing the existing 48" ground sign. He testified that the landscaping blocking the line of site and the volume of traffic is making it difficult for people to find the outpatient center, which is a hardship.

Upon question by Mr. Shriberg, Mr. Martin stated that FirstHealth is not requesting a larger sign as the proposed 18" sign letters accomplish the purpose. Mr. Martin testified the hospital has tried to trim the crepe myrtles to improve visibility.

Mr. Shriberg discussed allowing larger sign letters than requested by the applicant. Mr. Santowasso suggested the applicant withdraw their application and submit a new application if they would like a larger letters. Mr. Martin stated there is an immediate need for a larger sign and the hospital would like to move forward with the request.

Mr. Shumaker stated he made a site visit and commented that the crepe myrtles are blocking the existing ground sign. Mr. Martin acknowledged the crepe myrtles are in the right-of-way and maintained by NCDOT.

Ms. Latham commented that the change in addressing further adds to the confusion in finding the outpatient cancer center, and adds to the hardship.

Motion: Mr. Santowasso moved to close Public Hearing No. 1 and re-enter the regular meeting. Seconded by Mr. Shriberg. Motion carried by a vote of 4-0.

The Board briefly discussed the variance request.

Motion: Mr. Santowasso moved to approve the variance request for the property at 100 Page Road N. with the following findings of fact and conclusions of law:

A. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;

   *A hardship does result from strict application of the ordinance because it does not provide any means to improve lines of sight that are necessary for safe traffic operations approaching the building.*

B. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance;

*Because of existing vegetation, the fact that the proposed sign would be parallel to the roadway, and that people do not have enough time to react which causes safety concerns.*

C. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship;

*The applicant is trying to correct a problem.*

D. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

*The variance would improve sight distance and provide better identification of building*

Seconded by Ms. Burnett. Motion carried by a vote of 5-0.

**Roll Call**

| | |
|---|---|
| Shriberg | *Aye* |
| Santowasso | *Aye* |
| Burnett | *Aye* |
| Shumaker | *Aye* |
| Latham | *Aye* |

**IV. Next Meeting Date**

**A. Regular Meeting on March 5, 2020** (If the Board has business to conduct)

No business has been submitted to staff.

**V. Motion to Adjourn**

Motion: Mr. Shriberg moved to adjourn the meeting. Seconded by Mr. Shumaker. Motion carried by a vote of 4-0 at 5:49 pm.

Respectfully Submitted,

DRAFT

Kelly Brown
Administrative Specialist
Village of Pinehurst

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

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

DRAFT

# 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 at 1 Inverrary Road, further identified by Moore County PID # 00013958. This property is located within the R-30 (Medium Density Residential) Zoning District. Specifically, the applicant and owners, Thomas and Joan Moynihan, are requesting a variance to encroach approximate 3' 3 ¾" into the 60' lakefront/golf course setback to allow for the addition of a screened-in porch.

**FROM:**
Alex Cameron

**CC:**
Darryn Burich & Kelly Brown

**DATE OF MEMO:**
4/21/2020

**MEMO DETAILS:**
This agenda item was previously scheduled and duly noticed to go before the Board at the regular scheduled meeting on April 2nd. That meeting was cancelled in order to comply with Governor Cooper's Executive Order 121 to address the COVID-19 public health emergency and is resheculed for this special meeting. The meeting will be held electronically using the virtual meeting platform Zoom.

Please see the attached documents related to this public hearing.

**ATTACHMENTS:**

Description

- Exhibit A - Staff Report
- Exhibit B - Application for Variance
- Exhibit C - Site Plan
- Exhibit D - Porch Elevation
- Exhibit E - Deed
- Exhibit F - Release of Utility Easement
- Exhibit G - Letter from Pinehurst LLC
- Exhibit H - Original Subdivision Plat
- Draft Board Decision Letter

EXHIBIT A

1895
VILLAGE OF
PINEHURST

## 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 21, 2020
**Subject:** **Variance Request for 1 Inverrary Road**

| | |
|---|---|
| **Applicant:** | Thomas & Joan Moynihan |
| **Owners:** | Thomas & Joan Moynihan |
| **Property Location:** | 1 Inverrary Road |
| **Parcel Size:** | 25,519 square feet or .59 acres |
| **PID#** | 00013958 |
| **Zoning:** | R-30 (Medium Density Residential) |
| **Lakefront Setback:** | 60 Feet |
| **Proposed Setback:** | 3 Foot 3.75 Inch encroachment into Lakefront Setback |
| **Current Land Use:** | Single Family Residential |

**Request and Background:**

This request is to vary the 60' minimum lakefront setback from the property line in the R-30 Zoning District to permit a further encroachment of approximately 3 foot 3.75 inches into the lakefront setback. The applicant requests this variance to permit the existing rear deck to be converted into a screened-in porch. The 60' lakefront setback is applicable to this property due to the fact that the rear property line abuts a lake located on Golf Course No.7.

The subject property is part of a subdivision by Pinehurst Resorts Co. in 1985 recorded with the Moore County Register of Deeds in Plat Cabinet 3, Slide 90 and shown as lot 31 of Golf Course Number 7 Phase 1B (Exhibit H) and is approximately .59 acres in size or 25,519 square feet. Records from the Moore County Tax Department and Register of Deeds indicate that the property was purchased by the current owner in 2005 and the home was built in 2003.

The subject property is triangular in shape and therefore has only three lot lines. Two of the lot lines abut Pinehurst Resort Golf Course No. 7 which is zoned RD (Recreational Development District) with

the northern line abutting field of play and the western line abutting the lake. The remaining lot line to the east runs along the Inverrary Rd. right-of-way. All of the other remaining single family residences nearby are also part of the original subdivision, and are also all zoned R-30 (see attached maps).

The lot and existing home are legally nonconforming relative to the 30,000 minimum square foot lot size and the 60 foot lakefront setback regulation of the R-30 zoning district. As previously stated, the lot was platted in 1985 which was prior to zoning regulations being adopted by the Village. In addition, when the dwelling was originally constructed, the previous setback on the lakefront side of the property was 30 feet (now 60) creating the existing legal nonconformity. This request is to further encroach the prescribed distance into the setback.

The property owner previously received a variance from the Zoning Board of Adjustment in July 2009 for an encroachment into the golf course setback on the northern property line for construction of a third garage bay.

As indicated in the application, the property owner references the presence of wetlands on the western portion of the property as creating a unique circumstance. Staff has verified the location of the wetlands as shown on the latest version of the National Wetlands Inventory and has included a map depicting such with this report.

The applicant has submitted an application, site plan indicating the location of the porch and encroachment, elevations of the proposed porch, release of utility easement, and a letter from the Senior Vice President and CFO of Pinehurst Resort for review and consideration by the Zoning Board of Adjustment. The release of easement followed the decommission of previously installed sewer infrastructure on the property by Moore County which has no further interest in the easement and is therefore turned over to the property owner.

In addition to this staff report and its attachments, staff has included the deed of ownership and the original subdivision plat as exhibits for review and consideration of the Board.

**Variance 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.

**Action by the Zoning Board of Adjustment:**

In considering the application, the Zoning Board of Adjustment shall 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 memo along with 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;

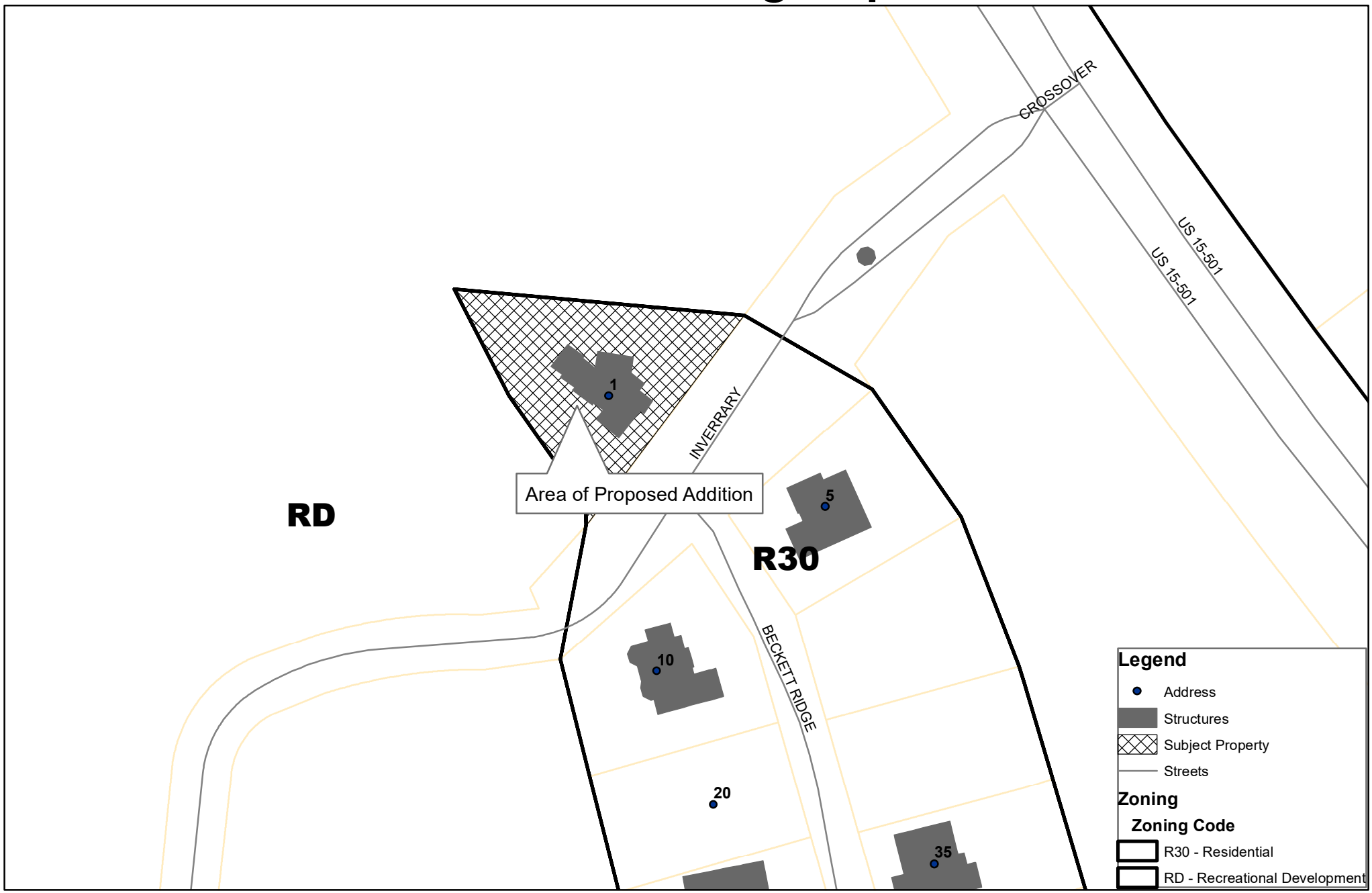
(3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship;

(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**

- Area Zoning Map
- Aerial Map
- Wetlands Map
- Adjacent Property Owner Notification
- Labels of Property Owners Notified
- Map of Adjacent Property Owners

# Area Zoning Map

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Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).
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3/17/2020

April 30, 2020
Zoning Board of Adjustment
Variance Hearing

1895 Village of Pinehurst

N W E S

# Aerial Map

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April 30, 2020
Zoning Board of Adjustment
Variance Hearing

1895 Village of Pinehurst

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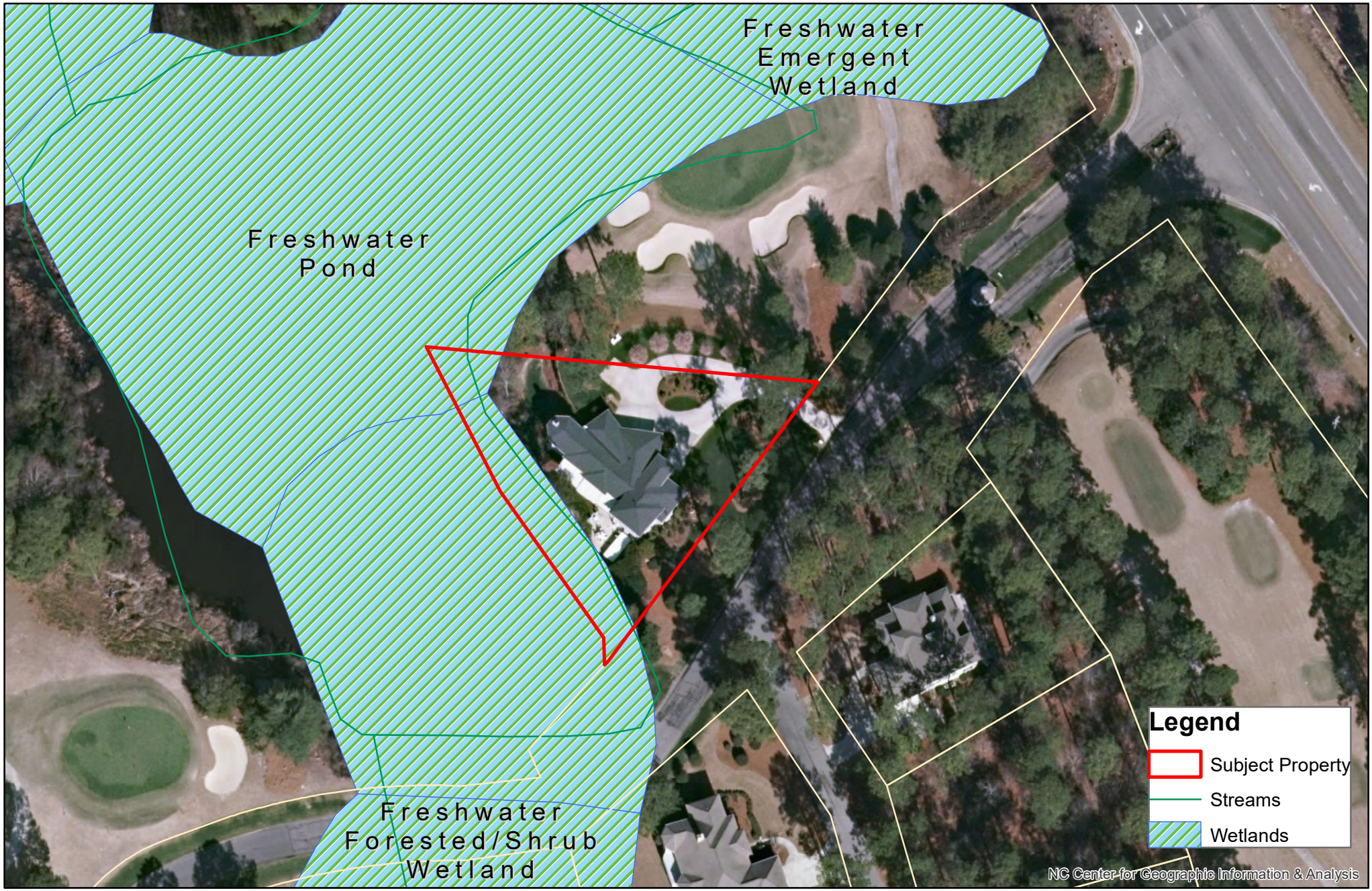
# Weltands Location

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3/24/2020

April 30, 2020
Zoning Board of Adjustment
Variance Hearing

1895 Village of Pinehurst

N W E S

**NOTICE OF PUBLIC HEARING**
**VILLAGE OF PINEHURST**

**April 16, 2020**
**Dear Property Owner:**

The Village of Pinehurst Board of Adjustment (BOA) will hold a Special Meeting and a Public Hearing on Thursday, April 30, 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 at 1 Inverrary Road, further identified by Moore County PID # 00013958. This property is located within the R-30 (Medium Density Residential) Zoning District. Specifically, the applicant and owners, Thomas and Joan Moynihan, are requesting a variance to encroach approximate 3' 3 ¾" into the 60' lakefront/golf course setback to allow for the addition of a screened-in porch.*

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.

WONS, EUGENE & RAMAGE, GWENN
295 GRANDE WAY APT 904
NAPLES FL 34110

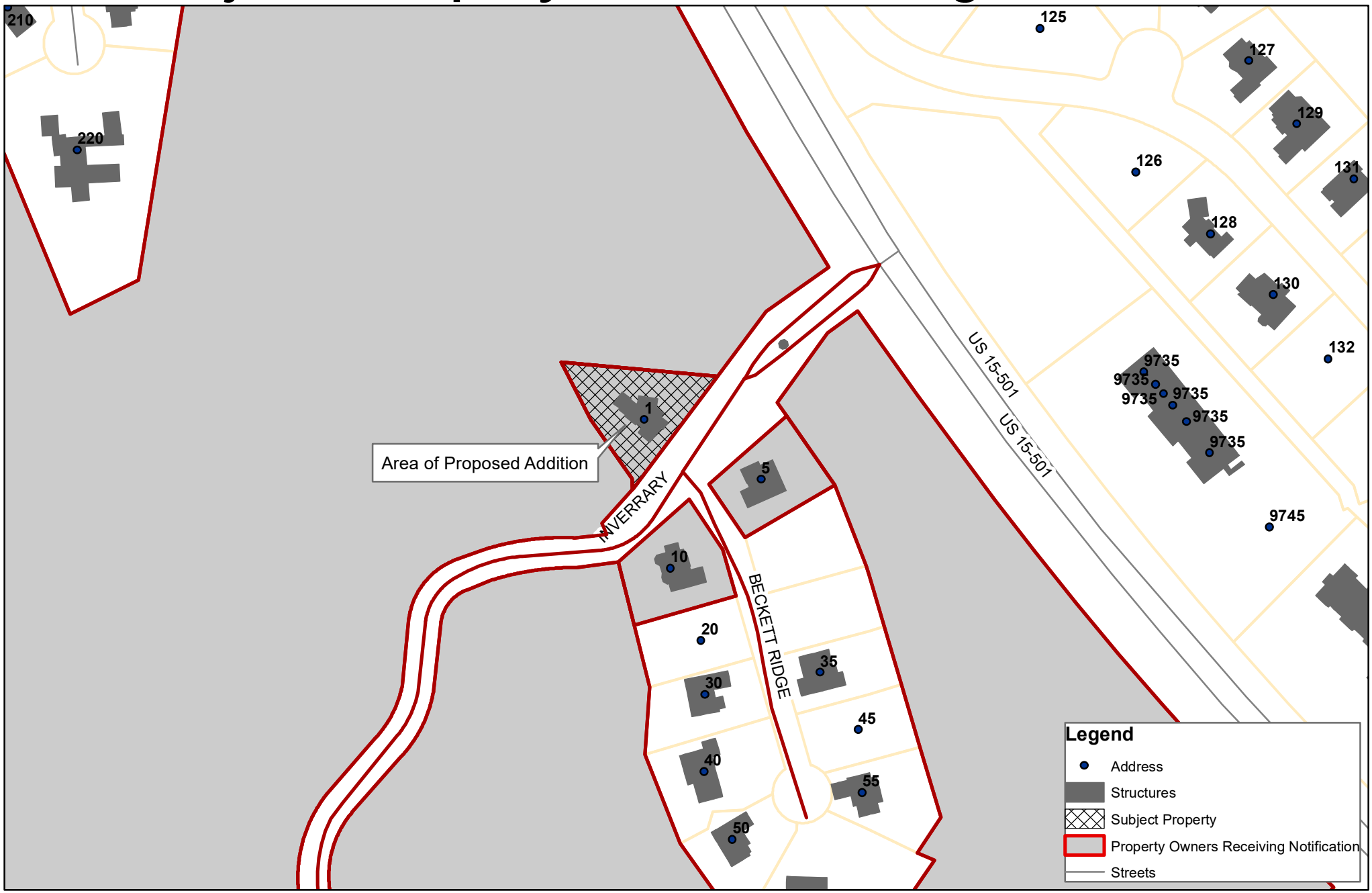
PINEHURST, INC CLUBCORP
PO BOX 4000
PINEHURST NC 28374-4000

MOYNIHAN, G THOMAS & JOAN M
1 INVERRARY ROAD
PINEHURST NC 28374

PINEHURST HOTEL INC ATTN: RICHARD HIGGINBOTHAM
PO BOX 4000
PINEHURST NC 28374

DUNAWAY, STEVEN V & HONJO, KEIKO
6324 STONEHAM LN
MC LEAN VA 22101-2345

# Adjacent Property Owners Receiving Notification

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3/17/2020

April 30, 2020
Zoning Board of Adjustment
Variance Hearing

1895 Village of Pinehurst

N W E S

EXHIBIT B

PLN 2020-00036

# Variance

(Revised 04/01/19)

## Variance Information

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

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

(A) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;

(B) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance;

(C) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship;

(D) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

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

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

| Property Address | |
|---|---|
| Street Address | 1 INVERRARY ROAD |
| City, State, Zip Code | PINEHURST, NC, 28374 |
| Parcel ID # | LOT 31 - FAIRWOODS ON SEVEN |

* 00013958

RECEIVED
MAR 16 2020
PLANNING and INSPECTIONS DEPT.
VILLAGE OF PINEHURST

EXHIBIT B

EXHIBIT B

VILLAGE OF PINEHURST

# Variance

(Revised 04/01/19)

| Owner Information | | | |
|---|---|---|---|
| Name | TOM & JOAN MOYNIHAN | Home Phone # | 910-420-2006 |
| Street Address | 1 INVERRARY ROAD | Mobile Phone # | |
| City, State, Zip Code | PINEHURST, NC, 28374 | Business Phone # | |
| Email | PINEHURST2005@GMAIL.COM | | |

| Applicant | | | |
|---|---|---|---|
| Name | SAME AS OWNER | Other Phone # | |
| Email | | Street Address | |
| Mobile Phone # | | City, State, Zip Code | |

## General Information

| | |
|---|---|
| Legal Basis for Application | ☐ Agent or Contract Purchaser Authorized by the Property Owner<br>☐ Government Agency Proposing to Acquire Land Affected by the Variance<br>☒ Owner of the Land Affected by the Variance |
| General Description of Variance Request | WE PROPOSE ENCLOSING OUR EXISTING DECK TO MAKE IT A SCREENED IN PORCH. AS CAN BE SEEN FROM OUR PLAN IT WILL EXTEND ~~INTO~~ BEYOND THE BUILDING ENVELOP BY 3 FEET 3 3/4" OVER A 10 FOOT DISTANCE |
| Ordinance Section Reference | SECTION 9.2 A LAKEFRONT/GOLF COURSE SETBACK |
| Ordinance Text (Verbatim) | ALL USES AND STRUCTURES IN THE GENERAL USE ZONING DISTRICTS SHALL COMPLY WITH THE DIMENSIONAL REQUIREMENTS LISTED IN TABLE 9.2 A OUR HOME IS A R30 USE TYPE WITH A 60' SETBACK. |

EXHIBIT B

1895 VILLAGE OF PINEHURST

**Variance**
(Revised 04/01/19)

| | |
|---|---|
| Description of unnecessary hardship that would result from the strict application of the ordinance | THE HARDSHIP WE COMPLAIN OF RESULTS FROM CONDITIONS THAT ARE PECULIAR TO OUR PROPERTY. UPON INFORMATION AND BELIEF, IT IS THE ONLY TRIANGULAR LOT IN FAIRWOODS AND IS AMONG THE SMALLEST IN TERMS OF SQUARE FOOTAGE. THE POND AND WETLANDS RESULTED IN THE HOUSE BEING LOCATED WITHIN ONE (1) FOOT OF THE 60' SETBACK WHICH MAKES COMPLIANCE WITH THE ORDINANCE DIFFICULT. WE ARE SET APART FROM ALL OTHER RESIDENCES AND ARE ADJACENT ONLY TO THE POND, WETLANDS AND THE GOLF COURSE |
| Description of how the hardship results from conditions that are peculiar to the property, such as location, size, or topography | THE TRIANGULAR SHAPE OF OUR LOT AND THE PROXIMITY OF THE POND AND WETLANDS ARE THE PARTICULAR CHARACTERISTICS OF THE PROPERTY THAT GIVE RISE TO THE DIFFICULTY WE COMPLAIN OF. |
| Description of how the hardship did not result from actions taken by the applicant or the property owner | BECAUSE OF THE PROXIMITY OF THE POND AND THE WETLANDS AND THE SIZE AND TRIANGULAR SHAPE OF THE LOT THE HOUSE COULD NOT HAVE BEEN LOCATED ELSEWHERE, AND WAS BUILT ALMOST AT THE 60 FOOT SETBACK LINE. |
| Explanation of how the requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved | THE VARIANCE WE REQUEST IS A MINIMAL INTRUSION INTO THE 60' SETBACK. THE ARB OF FAIRWOODS AND THE PINEHURST CORP. SUPPORT OUR REQUEST |

## Required Documents

☐ Written authorization of the property owner (If not filed by owner)

## Certification

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

Applicant Signature: Tom Moynihan Joan Moynihan  Date: MARCH 3, 2020 3/3/20

EXHIBIT C

0.59 ACRE

102.97'
N22°18'54"W

30.00

3'-3⅜"

10'-11⅝"

PROPOSED SCREEN PORCH

222.97'
S38°37'00"W

130.33'
N34°32'04"W

LAKE

N00°09'10"E
12.35'

NORTH

RECORD MAP

DWELLING = 3605 sq.ft. / 25,515 SQ FT OF LOT = 14.1% COVERAGE BY DWELLING

TOTAL IMPERVIOUS= 7179 sq.ft.± / 25,515 SQ FT OF LOT = 28.1% COVERAGE BY IMPERVIOUS SURFACE

REVISED: 06-15-06 TO CHANGE PROPOSED ADDITION

# SITE PLAN FOR
# THOMAS G. MOYNIHAN
AND
# JOAN M. MOYNIHAN

LOT NO. 31, PHASE 1B, PAGE 7 OF 7
GOLF COURSE NUMBER 7
MINERAL SPRINGS TOWNSHIP, MOORE COUNTY,
PINEHURST, NORTH CAROLINA
APRIL 14, 2009 -*- SCALE 1"=20'

GRAPHIC SCALE

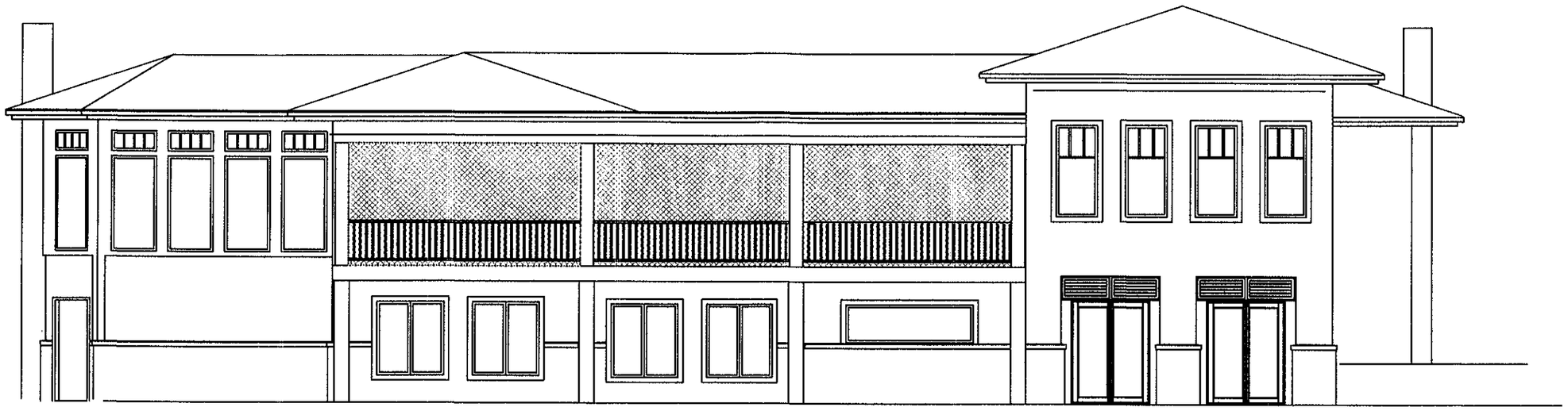
0 20' 10' 20' 40'

markwesleyparson

MOYNAHAN RESIDENCE
1 INVERRARY ROAD

SD1

EXHIBIT D



mark parson

MOYNAHAN RESIDENCE

SD2

EXHIBIT E

FOR REGISTRATION REGISTER OF DEEDS
JUDY D. MARTIN
MOORE COUNTY, NC
2005 NOV 15 04:51:12 PM
BK:2927 PG:308-309 FEE:$1,787.00
NC REVENUE STAMP:$1,770.00
INSTRUMENT # 2005022845

Drafted by: Robert S. Thompson, Attorney at Law
ROBERT S. THOMPSON, P.A.
325 West Pennsylvania Avenue, Suite E
Southern Pines, North Carolina 28387

---

**NORTH CAROLINA**

**WARRANTY DEED**

**MOORE COUNTY**

**THIS DEED**, made this 23rd day of August, 2005, by **EUGENE WONS** and wife, **GWENN RAMAGE**, GRANTOR, to **G. THOMAS MOYNIHAN** and wife, **JOAN M. MOYNIHAN,** GRANTEE;
Tax Address: P.O. Box 256, Cleverdale, NY 12820

**W I T N E S S E T H:**

That said Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has bargained and sold, and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot, tract, or parcel of land situate in the Village of Pinehurst, Mineral Springs Township, Moore County, North Carolina, and more particularly described as follows:

BEING all of Lot Number 31, Phase 1B, of Golf Course Number 7, the property of Pinehurst Resorts Co., as shown on plat thereof recorded in the Office of the Register of Deeds of Moore County, North Carolina, in Plat Cabinet 3 at Slides 86-90, together with all easements and privileges appurtenant to said property.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 1679, Page 378, Moore County Registry.

This conveyance is made subject to: (i) the lien of the Village of Pinehurst and County of Moore for taxes or other assessments for the current year, which taxes or other assessments shall be pro rated as of the date of closing; and (ii) utility easements and (iii) unviolated restrictive covenants that do not materially affect the value of the property.

EXHIBIT E

**TO HAVE AND TO HOLD** the aforesaid lot, tract, or parcel of land, and all privileges and appurtenances thereto belonging to the said Grantee in fee simple; subject, however, to the hereinabove stated exceptions, reservations and conditions.

And the Grantor covenants with the Grantee, that Grantor is seized of said premises in fee simple and has the right to convey in fee simple; that the 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; subject, however, to the exceptions, reservations and conditions hereinabove referred to.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

**IN WITNESS WHEREOF**, the said Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers, the day and year first above written.

_____ (SEAL)
**EUGENE WONS**

_____ (SEAL)
**GWENN RAMAGE**

**STATE OF NEW YORK**
**COUNTY OF** Suffolk

I, Kent Terchunian, a Notary Public of the County and State aforesaid, certify that **EUGENE WONS** and wife, **GWENN RAMAGE**, Grantor, personally came before me this day and acknowledged the execution of the annexed Deed of Conveyance.

Witness my hand and notarial seal, this 6 day of September 2005.

_____
Notary Public

My Commission Expires: 11/1/2005

KENT TICO TERCHUNIAN
Notary Public, State of New York
No. 02TE5019924
Qualified in Suffolk County
Commission Expires November 1, 2005

EXHIBIT F

26

Public Works
Attn: Randy Gould

FOR REGISTRATION REGISTER OF DEEDS
Judy D. Martin
Moore County, NC
February 03, 2020 12:16:30 PM
Book 5266 Page 311-312
FEE: $26.00
INSTRUMENT # 2020001826

INSTRUMENT # 2020001826

NORTH CAROLINA

MOORE COUNTY

**RELEASE OF EASEMENT INTEREST**

THIS INSTRUMENT made and executed this 21st day of January, 2020, by and between G. Thomas Moynihan and wife, Joan M. Moynihan, and the County of Moore, a political subdivision of the State of North Carolina.

WITNESSETH:

THAT WHEREAS, a deed from Eugene Wons and wife, Gwenn Ramage to G. Thomas Moynihan and wife, Joan M. Moynihan recorded in the Office of the Register of Deeds of Moore County, North Carolina at Book 2927, Page 308, conveyed the Property subject to utility easements; and

THAT a map entitled "Golf Course Number 7, Phase 1B, page 7 of 7," recorded in the Office of the Register of Deeds of Moore County, North Carolina at Plat Cabinet 3, Slide 90, reserves a blanket easement on all areas outside the building envelope within this subdivision for the construction and maintenance of utilities; and

THAT the County previously installed, operated and maintained a segment of gravity sewer infrastructure located along the western portion of the subject Property between the street right-of-way and the adjacent golf course property; and

THAT the County has decommissioned the use of the previously installed sewer infrastructure, abandoned the infrastructure utilizing industry standard approach, and determined that there is no present interest and no foreseeable future interest in the utilization of the easement for water or sewer utility usage and desires to release its easement Interest; and

THAT, upon the abandonment and release of the County's easement interest, the owner of the real property which is subject to the Easement, G. Thomas Moynihan and

EXHIBIT F

wife, Joan M. Moynihan have acknowledged on behalf of themselves, their successors and assigns, their sole and complete responsibility for the condition of the Easement as it currently exists and may exist in the future and has further agreed to hold the County, its officers, and agents and employees harmless from any and all claims concerning the Easement.

**IN WITNESS WHEREOF,** the Grantor has caused this instrument to be signed by its chair of the Board of County Commissioners, attested by the clerk to the Board of County Commissioners and its seal to be hereunto affixed by authority of its Board of Commissioners, the day and year first above written.

COUNTY OF MOORE

Francis R. Quis, Jr, Chairman
Moore County Board of Commissioners

ATTEST:

Laura M. Williams
Clerk to the Board

COUNTY OF MOORE CORPORATE SEAL NORTH CAROLINA

STATE OF NORTH CAROLINA
COUNTY OF MOORE

I, Mary R Phillips, a Notary Public of the County and State aforesaid, certify that Laura M. Williams personally came before me this day and acknowledged that she is the Clerk to the Board of County Commissioners of the County of Moore, and that by authority duly given, and as the act of the Board, the foregoing instrument was signed in its name by its Chair of the Board of County Commissioners, sealed with its seal and attested by her as the Clerk to the Board of County Commissioners.

Witness my hand and official stamp or seal, this 21st day of January 2020.

My commission expires: 4/1/2022

Notary Public

MARY R. PHILLIPS Notary Public Moore County NORTH CAROLINA

EXHIBIT G

PINEHURST
1895

March 5, 2020

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 1962, 2008

World Open/ Hall of Fame Classic 1973-1982

U S Women's Amateur Championship 1989

The Tour Championship 1991, 1992

U S Senior Open Championship 1994

U S Open Championship 1999, 2005, 2014

U S Women's Open Championship 2014

U S Amateur Four-Ball 2017

U S Amateur Championship 2019

U S Open Championship 2024

Village of Pinehurst
Planning and Zoning Board
395 Magnolia Road
Pinehurst, NC 28374

RE: Application for Variance – 1 Inverrary Road

Dear Members of the Board:

Pinehurst, LLC has reviewed a copy of the plans for a deck extension at 1 Inverrary Road, Pinehurst, NC 28374. We are aware that the south side of the proposed patio meets the 30-foot set-back requirements, however, the north side is only 26' 8 3/4" from the rear property line, necessitating a variance of 3' 3/4" for the project to go forward.

- Pinehurst has inspected the property to evaluate the impact of the proposed variance.
- Pinehurst does not object to the approval of the application for a 3' 3/4" variance at the above-referenced address.

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

Sincerely,

Richard Higginbotham
Senior Vice President and CFO

cc: Bob Farren
Tom and Joan Moynihan (property owners)

EXHIBIT H

PINEHURST RESORTS CO.

U.S. HIGHWAY NO. 15-501

R=5833.47
L=80.00
CH=80.00
CB=S33°20E

N56°30E 126.00

N38°37E 125.08

S80°45E 255.00

N22°10W 102.80

S52°38W 82.56

S40°45E 126.48

N22°10W 109.3

N34°28W 105.25

N34°28W 130.49

SWEETWATER ROAD EASEMENT

61.48 S56°30W

139.18 S37°18W

30.00

S38°37W 222.82

S38°37W 94.00

ACCESS

"LAKE"

N0°00E 12.30

N43°27E 83.37

S32°23E 137.42

187.00

N51°42E 86.82

S32°23E 85.82

N31°05W 20.71

S80°27W 65.10

N31°05W 69.27

S62°34W 88.24

N51°42E 101.86

S62°34W 662.00

S19°26E 137.00

N23°10W 60.00

N51°42E 173.39

N31°05W 96.28

S31°05E 71.05

N51°42E 73.59

N12°43W 91.75

S13°45E 54.99

N13°45W 78.04

S13°45E 94.21

N13°45W 89.09

N62°34E 89.30

S19°26E 81.90

N13°45W 58.75

N85°19W 65.74

94.85 S76°59W

CONTROL CORNER

N82°21'34"E 353.22 TO N.C.G.S. MON. "CREST"

S76°59W 197.23

N12°43W 106.28

89.63 S76°15W

N57°55E 63.60

S76°15W 190.00

N76°15E 90.55

S13°45E 65.00

N12°07W 105.04

N10°21W 95.03

92.40 S76°15W

N57°59E 63.81

S76°15W 193.00

N76°15E 96.41

S13°45E 60.00

N7°03E 97.19

119.21 S76°15W

N60°41E 74.52

S76°15W 231.00

N76°15E 128.68

S13°45E 52.51

N19°31W 155.59

R=70.00
L=45.61
CH=44.81
CB=S30°49W

N13°45W 103.03

N19°31W

S64°30W 88.76

S64°30W 220.00

N46°44E 65.55

N64°30E 73.04

N81°57E 66.69

N33°56W 101.31

R=70.00
L=39.15
CH=38.65
CB=S34°42E

S78°02W 93.82

S18°02W 233.66

N33°56W 202.74

N54°35W 140.00

S13°45E 18.00

S36°40W 11.00

R=30.

50.00

L=48.27
CH=46.42
CB=S55°27W

N62°12W 211.26

N25°26W 240.21

S35°25W 163.00

N9°35W 84.85

106.00

S14°16E 100.00

S14°16E 104.00

S14°16E 104.00

S14°16E 170.00

S14°16E 72.26

N79°26W 66.12

S35°25W 28.07

N79°45W 66.30

S14°16E 62.42

N3°49W 42.83

97.55 S76°44W

N84°56W 63.59

S14°16E 60.00

N13°45W 60.00

98.86 S76°44W

N84°56W 63.59

N76°44E 99.23

S14°16E 64.00

N13°45W 58.17

R=70.00
L=8.01
CH=8.01
CB=N56°36W

94.36 S76°44W

L=22.39
CH=22.20
CB=S56°12E

S76°44W 200.00

N76°44E 78.79

R=70.00
L=34.98
CH=34.62
N3°07W

N62°12W 86.32

S62°12E 80.97

N25°26W 120.00

N25°26W 78.43

N79°45W 66.30

S35°25W

N18°02E 121.66

S54°35E 130.99

N33°54W 69.07

S54°35W 56.56

S35°25W

N9°35W 84.85

N54°35W 106.00

N18°02E 233.66

N33°56W 202.74

S64°30W 220.00

N46°44E 65.55

N64°30E 73.04

N81°57E 66.69

N33°56W 101.31

R=70.00
L=39.15
CH=38.65
CB=S34°42E

S78°02W 93.82

S13°45E 18.00

S36°40W 11.00

R=30.

50.00

L=48.27
CH=46.42
CB=S55°27W

N62°12W 211.26

N25°26W 240.21

S35°25W 163.00

N9°35W 84.85

106.00

S14°16E 100.00

S14°16E 104.00

S14°16E 104.00

S14°16E 170.00

S14°16E 72.26

N79°26W 66.12

S35°25W 28.07

N79°45W 66.30

S14°16E 62.42

N3°49W 42.83

97.55 S76°44W

N84°56W 63.59

S14°16E 60.00

N13°45W 60.00

98.86 S76°44W

N84°56W 63.59

N76°44E 99.23

S14°16E 64.00

N13°45W 58.17

R=70.00
L=8.01
CH=8.01
CB=N56°36W

94.36 S76°44W

L=22.39
CH=22.20
CB=S56°12E

S76°44W 200.00

N76°44E 78.79

R=70.00
L=34.98
CH=34.62
N3°07W

N62°12W 86.32

S62°12E 80.97

N25°26W 120.00

N25°26W 78.43

N79°45W 66.30

S35°25W

N18°02E 121.66

S54°35E 130.99

N33°54W 69.07

S54°35W 56.56

S35°25W

N9°35W 84.85

N54°35W 106.00

N18°02E 233.66

N33°56W 202.74

BECKETT RIDGE

CONTROL CORNER

"PINEHURST RESORTS CO."

"PINEHURST RESORTS CO."

31 32 33 34 35 36 37 38 39 40 41 42 43 44

N.C. GRID

"PINEHURST" TRAFFIC CIRCLE

N.C. NO. 2

GOLF HALL OF FAME

U.S. HIGHWAY 15-501

N

SITE

LOCATION SKETCH

UNIT 8-A

MORGANTON ROAD

MOORE COUNTY,
NORTH CAROLINA

I, C. H. BLUE, REGISTERED LAND SURVEYOR CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; THAT THIS PLAT IS PREPARED IN ACCORDANCE WITH G. S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 18TH DAY OF JANUARY, 1985.

C. H. Blue
RLS NO.

I, STEPHEN R. SHEFFIELD, A NOTARY PUBLIC OF THE COUNTY AND STATE AFORESAID DO HEREBY CERTIFY THAT C. H. BLUE, A REGISTERED LAND SURVEYOR, PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT. WITNESS MY HAND AND OFFICIAL STAMP OR SEAL, THIS 18TH DAY OF JANUARY, 1985.

MY COMMISSION EXPIRES: 1-28-86

Stephen R. Sheffield
NOTARY PUBLIC

ALL STREET RIGHT OF WAYS ARE HEREBY DESIGNATED AS "PRIVATE STREETS" TO BE MAINTAINED BY A HOME OWNERS ASSOCIATION.

THIS PLAT IS HEREBY APPROVED FOR RECORDING BY THE VILLAGE OF PINEHURST.

MAYOR 2/26/85 DATE

DENOTES LOT LINE ———

DENOTES ROAD RIGHT OF WAY LINE ——— -- ———

DENOTES "BUILDING ENVELOPE" LINE —— —— ——

DENOTES "TIE LINE" ——— ··· ———→

THERE EXISTS A BLANKET EASEMENT ON ALL AREAS OUTSIDE THE BUILDING ENVELOPES WITHIN THIS SUBDIVISION FOR THE CONSTRUCTION AND MAINTENANCE OF UTILITIES.

THERE IS RESERVED A DRAINAGE EASEMENT CENTERED ALONG THE CONTROL LOT LINE EQUIDISTANT FROM THE BUILDING ENVELOPES 10 FEET IN WIDTH FOR THE PURPOSES OF CONSTRUCTION OF DRAINAGE STRUCTURES AND DITCHES AS NECESSARY.

LENGTH OF CENTERLINE OF STREET = 1150 FEET ±

ACREAGE OF THIS SUBDIVISION IS 8.46 ACRES.

PROPERTY IS PRESENTLY ZONED PDD

ROADWAY (PAVEMENT) TO BE CONSTRUCTED WITHIN THE ACCESS EASEMENT AS SHOWN ON THIS PLAT AND TO BE A WIDTH OF 20 FEET; PAVEMENT DIAMETER IN CUL-DE-SACS TO BE 70 FEET.

ACREAGE DETERMINED BY D. M. D. METHOD

THE RATIO OF PRECISION IS 1/5000+

REFERENCE: DEED BOOK 523 AT PAGE 521
MOORE COUNTY REGISTRY

OWNER:
PINEHURST RESORTS CO.
P. O. BOX 8200
PINEHURST, NORTH CAROLINA
28374

NORTH CAROLINA, MOORE COUNTY
The foregoing certificate of Stephen R. Sheffield, Notary Public is certified to be correct. This 26th day of March, 1985.
Grier Gilmore, Register of Deeds
By: Mary R. Phillips Deputy

Filed for registration March 19, 1985, 3:25 P.M. in the Register of Deeds Office of Moore County and Registered March 19, 1985, 4:00 P.M. in Book 3 Page 90
Grier Gilmore, Register of Deeds
By: Mary R. Phillips Deputy

# GOLF COURSE NUMBER 7

## PHASE 1B

PAGE 7 OF 7

PROPERTY OF

## PINEHURST RESORTS CO.

MINERAL SPRINGS TOWNSHIP, MOORE COUNTY,
PINEHURST, NORTH CAROLINA

JANUARY 2, 1985 ⊕ SCALE 1" - 50'

C. H. BLUE AND ASSOCIATES, P. A.
SOUTHERN PINES, N. C.

1"=50' 50 0 50 100
scale feet

DRAFT

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

**VARIANCE FOR 1 INVERRARY ROAD, PID # 00013958**

**April 30, 2020**

**Thomas & Joan Moynihan**
**1 Inverrary Rd.**
**Pinehurst, NC 28374**

**RE: Variance request from section 9.2a Tables of Dimensional Requirements for the property addressed as 1 Inverrary Road, further identified by Moore County PID # 00013958. This property is located within the R-30 (Medium Density Residential) Zoning District. Specifically, the applicant and owners, Thomas and Joan Moynihan are requesting a variance from the 60' Golf Course Setback to allow for a 3' 3 ¾" encroachment for a screened-in porch.**

Dear Mr. and Mrs. Moynihan,

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 **April 2, 2020** where the board considered all evidence submitted by the parties and voted to **approve/deny** the variance request for property at **1 Inverrary Road, PID # 00013958** 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;

DRAFT

(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

**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 ***30th day*** of ***April 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: _____

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