



**BOARD OF ADJUSTMENT  
REGULAR MEETING  
THURSDAY, October 3rd, 2024  
ASSEMBLY HALL  
395 MAGNOLIA ROAD  
PINEHURST, NORTH CAROLINA  
04:00 PM or IMMEDIATELY FOLLOWING THE P&Z MEETING**

<b>Board Members Present:</b>	<b>Board Members Absent:</b>	<b>Staff Present:</b>
Thomas Schroeder, Chair	Sonja Rothstein	Alex Cameron, Planning Director
Jeremy Hooper	Paul Roberts	Michael Mandeville, Senior Planner
Matt Jones Vice-Chair	Jimmy Duncan, Alt.	Maria Carpenter, Planner
Bruce Hironimus, Alt	Carol Henry	Kim Stepnoski, P&Z Specialist
Louise Mercuro, Alt		

Approximately 5 member(s) of the public were in attendance.

**I. Call to Order**

Mr. Schroeder called the October 3rd, 2024, Regular Meeting to order at 04:10 PM.

Mr. Jones moved to seat Ms. Mercuro and Mr. Hironimus as a voting member of the Board of Adjustment for the Regular Meeting of August 1<sup>st</sup>, 2024. Seconded by Mr. Hooper. Approved by a vote of 3-0.

Mr. Schroeder introduced the Staff and the Board Members.

Mr. Schroeder gave a brief introduction to the procedures and requirements of a quasi-judicial hearing.

Mr. Cameron and Mr. Mandeville were sworn in for the Public Hearing.

**II. Approval of Minutes**

**a. 08-01-2024 Regular Meeting Minutes**

Mr. Hooper moved to approve the minutes of the August 1st, 2024, Regular Meeting. Seconded by Mr. Jones. Approved by a vote of 5-0.

**III. Public Hearing**

Ms. Mercuro moved to recess the Regular Meeting and enter the Public Hearing. Seconded by Mr. Hooper. Approved by a vote of 5-0

**a. PLN-2024-00105 (55 Statler Variance Request)**

*The purpose of the public hearing is to receive testimony for a variance request from Pinehurst Development Ordinance Section 9.2a Table of Dimensional Requirements for the property addressed as 55 Statler Lane, further identified by Moore County PID # 00029860. This property is located within the R-10 Zoning District. Specifically, the applicant is requesting a variance to allow an attached carport that encroaches the minimum 15' side yard setback of the R-10 Zoning District.*

Mr. Schroeder verified with the board members that they had no ex parte communication and no questions regarding the case.

Mr. Garvin Few, the applicant residing at 55 Statler Ln, was sworn into the public hearing.

Mr. Mandeville discussed the proposed work and submitted into evidence the Staff Report with attachments / exhibits, Presentation, Application and Applicant's materials / exhibits.

Mr. Schroeder asked if any of the board members had questions for Mr. Mandeville.

Mr. Hironimus asked if the carport had been completed and when was the complaint filed. Mr. Mandeville confirmed the carport was complete and the date of complaint was April 15, 2024.

Mr. Jones asked if the slab only would be considered encroachment of setback. Mr. Cameron confirmed the slab would be encroachment.

Mr. Hooper asked if during the online permitting process, would the applicant have been aware of the setback restrictions. Mr. Mandeville explained, staff would have caught the encroachment during the review process.

Ms. Mercurio asked if it was just one complaint and if the complainant was satisfied with the explanation. Mr. Mandeville explained was unsure, he was not the one that received complaint.

Mr. Schroeder confirmed with the board that there were no further questions and accepted the materials by Mr. Mandeville into evidence.

Mr. Schroeder asked Mr. Few, if he had reviewed the evidence presented by staff and was ready for testimony. Mr. Few confirmed he had reviewed evidence.

Mr. Few began his testimony by presenting a picture on this phone of the property from when he and his wife first bought the property. Mr. Schroeder advised he needs to submit the photo to Mr. Mandeville to enter into evidence. Mr. Few explained to the board, he wanted to show his commitment of maintaining the appeal of the home. Mr. Few advised when those building and landscaping plans were made the contractor was responsible for obtaining permits. Mr. Few explained the reason the carport addition was to increase storage space. Mr. Few

felt due to the location of the HVAC unit, this was the only option for the addition. Mr. Few explained the reason for neglecting to obtain a permit, was he assumed the contractors were going to obtain the permit. Mr. Few advised he went out of town when the work was done. Mr. Few advised once he was contacted by building inspector, he came to Village Hall to rectify the situation and was advised of the variance process.

Mr. Schroeder asked if any members of the board had questions for the applicant.

Mr. Hooper asked if Mr. Few had any documentation from the HVAC company stating the unit could not be moved to help support his claim of hardship. Mr. Few advised he did not have a statement from the company.

Mr. Few requested to have photo added into evidence. The photo was entered into evidence as Exhibit A-3.5

Mr. Jones questioned the purpose of the concrete pad that extends in the rear set back on the survey map. Mr. Few explained it is a patio separate from the house.

The board did not have any further questions. Mr. Schroeder asked for public comments.

Ms. Jane Motyka, resident of 25 Statler came forward with comments. Ms. Motyka was sworn in.

Ms. Motyka explained she owned the vacant lot beside Mr. Few and was concerned her property value would decline due to the encroachment. Mr. Schroeder explained the board does not have the ability to access property value.

Mr. Jones moved to adjourn the Public Hearing and re-enter the Regular Meeting. Seconded by Mr. Hironimus. Approved vote of 5-0.0

The Board had no deliberation.

***Mr. Hironimus moved the Board of Adjustment to approve the variance request for 55 Statler Lane and adopt the following Findings of Fact:***

- 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 demolition of already existing carport would constitute hardship.***
- B. The hardship would 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;***

**The western utility easement restricts the location of the carport.**

- C. The hardship did not result from actions taken from 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.***

Mr. Hironimus withdrew his motion.

The board deliberated whether the testimony provided the by Applicant was enough to justify the argument of hardship and peculiarity of the property in relation to other properties in the surrounding area and the community. Mr. Schroeder asked if anyone else was prepared to make a motion and reminded the Board to specify the findings on each of the standards.

***Mr. Hooper moved the Board of Adjustment deny the variance request for 55 Statler Ln and adopt the Findings of Fact:***

- A. Unnecessary hardship would not result from the strict application of the ordinance. Its shall not be necessary to demonstrate that, in absence of the variance, no reasonable use can be made of the property;  
Removal of the carport does not demonstrate an unnecessary hardship.***
- B. The hardship 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;  
There are no peculiar conditions to the property.***
- C. The hardship did not result from actions taken by the applicant or the property owners. 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 homeowners hired contractors that did not apply for proper permits.***
- D. The requested variance is not consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured, and substantial justice is achieved;  
Allowing encroachment could have a negative impact on the adjacent vacant property.***

Motion was not seconded. Mr. Schroeder asked for another motion.

**Mr. Jones moved the Board of Adjustment to approve the variance request for 55 Statler Ln and adopt the following Finding of Fact:**

- 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 demolition of the already existing carport would constitute a hardship.**
  
- B. The hardship does not result from conditions that are peculiar to the property, such as location, size, topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability;  
The orientation of the house on the lot and the proximity of the house on the east side to the boundary, as well as the west side to a powerline easement.**
  
- C. The hardship does 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 setback was already close to the existing structure.**
  
- D. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such as public safety is secured, and substantial justice is achieved;  
If not allowed, the use of a detached structure could have greater impacts to the setback.**

**Seconded by Mr. Hironimus. Approved by a vote of 4-1.**

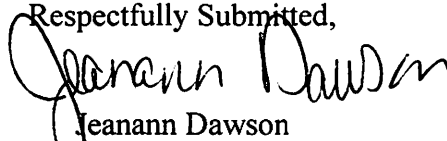
**IV. Next Meeting Date**

**A. 11-07-2024 Regular Meeting (If Board Has Business to Conduct)**

**V. Motion to Adjourn**

**Mr. Hooper moved to adjourn the Regular Meeting at 5:16 p.m. Seconded by Mr. Jones. Approved by a vote of 5-0.**

Respectfully Submitted,



Jeanann Dawson  
Clerk to the Board &  
Planning Administrative Specialist  
Village of Pinehurst

*A videotape of this meeting is located on the Village website: [www.vopnc.org](http://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.