



PLANNING AND INSPECTIONS DEPARTMENT STAFF REPORT

To: Zoning Board of Adjustment
From: Alex Cameron, Senior Planner
CC: Natalie Hawkins, Assistant Village Manager for Administration
Date: March 27, 2019
Subject: Variance Request for 22 Beasley Drive

Applicant:	Robert Babcock.
Owners:	Robert and Pamela Babcock
Property Location:	22 Beasley Dr.
Zoning:	R-10 (High Density Residential)
Lakefront/Golf Course Setback:	30'
Current Land Use:	Single Family Residential
PID#	00035877

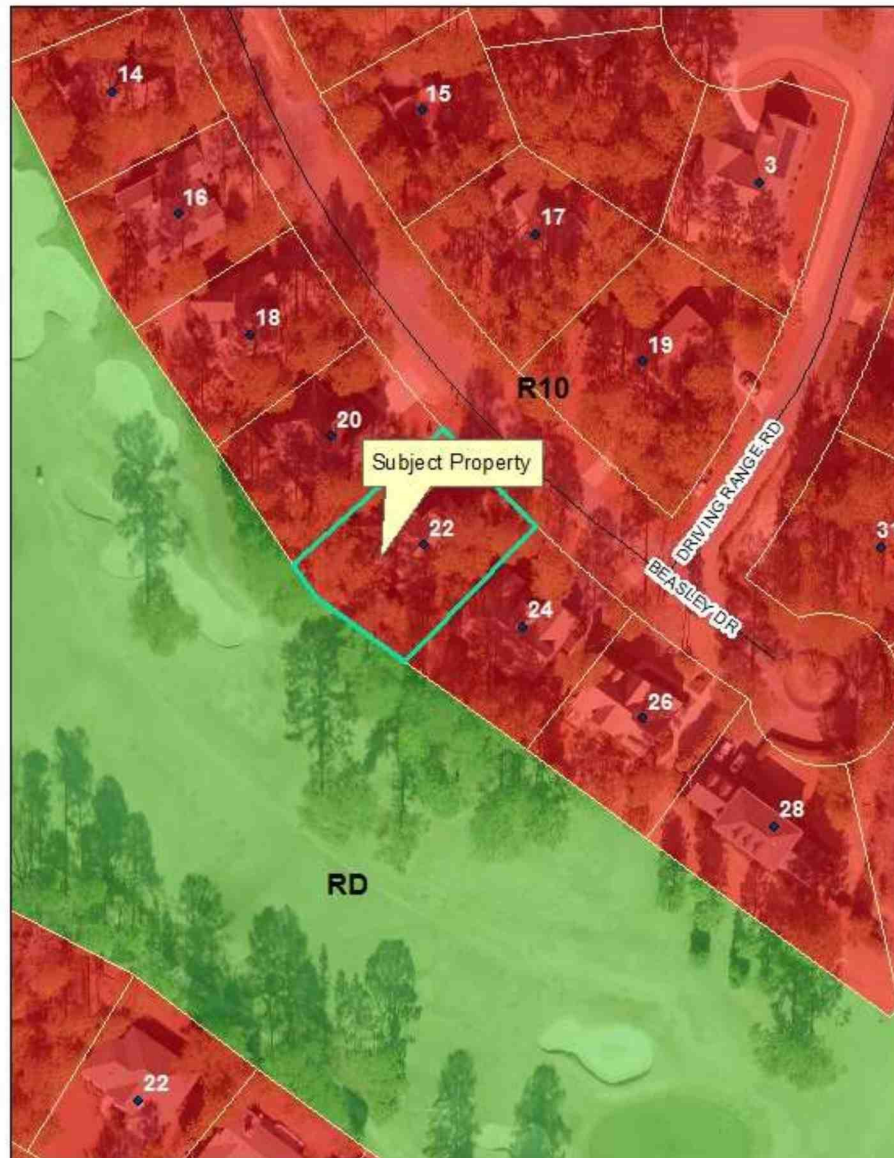
Request and Background:

This request is to encroach approximately 3 feet 8 inches into the required thirty (30) foot Lakefront/Golf Course setback to allow for the construction of an addition to the existing single family home.

This property currently has a single family residence that was built in 1996. The property is surrounded by single family residences zoned R-10 (High Density Residential) except along the southern lot boundary (rear lot line) where the subject property abuts Pinehurst No. 6 golf course. See map on next page.

The applicant has submitted existing photos, a proposed site plan and elevations to accompany the application for the variance for review by the Zoning Board of Adjustment.

Aerial Map



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 the application materials, the general purpose and standards set forth in this Section 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 variance request as decisions are to be based solely on the testimony and evidence submitted at the quasi-judicial hearing.

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;



HISTORY, CHARM, AND SOUTHERN HOSPITALITY

**DECISION LETTER OF THE BOARD OF ADJUSTMENT
OF THE VILLAGE OF PINEHURST, NORTH CAROLINA**

VARIANCE FOR 22 BEASLEY DRIVE

April 4, 2019

**Mr. Robert and Mrs. Pamela Babcock
22 Beasley Drive
Pinehurst, NC 28374**

RE: Variance request from section 9.2a Tables of Dimensional Requirements for the property at 22 Beasley Drive, further identified by Moore County PID # 00035877. This property is located within the R-10 (High Density Residential) Zoning District. Specifically, the applicant and owners, Robert and Pamela Babcock are requesting a variance from the 30' Lakefront/Golf Course Setback from the Property Line to allow for the construction of an addition that will encroach approximately 3.8 feet.

Dear Mr. Babcock,

This letter 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 Board of Adjustment met on **April 4, 2019** and voted to **approve/deny** the variance request for property at **22 Beasley Drive** with the following required findings of fact:

- (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):

More detailed evidence of the variance standards will be available once the minutes from the meeting are approved at the next Board of Adjustment meeting.

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 _____ day of _____, 201_.

Chair of the Board of Adjustment

Ruling filed with the Village of Pinehurst:

DATE

Gwendy Hutchinson
Clerk to the Zoning Board of Adjustment

Cc: Alex Cameron
Gwendy Hutchinson



Application for
Board of Adjustment – Request for a Variance

(revised 7/12/17)

Fee: \$400.00

BOARD OF ADJUSTMENT MEETING SCHEDULE –
please check village website www.vopnc.org

REQUEST FOR VARIANCE PROCEDURES

FEB 11 2019

- SUBMIT (12) sets of Plans and or Applications – (24"x 36") or (18"x 24")
- Plans and Applications must be submitted (4) four weeks prior to the next scheduled BOA meeting. Plans must be folded with the application attached.

Applicant: ROBERT AND Pamela BARCOCK Owner: SAME
22 BEASLEY DRIVE

Applicant Address: PINEHURST, NC 28374 Owner Address: SAME

Applicant Phone Number: 910-420-8810 Owner Phone Number: SAME

Applicant e-mail: RS BARCOCK@SBCGLOBAL.NET

Legal Relationship of applicant to property owner: SELF
(Attach to this application evidence of legal relationship of applicant to owner)

Request:

I, ROBERT S. BARCOCK, hereby petition the Board of Adjustment of the Village of Pinehurst for a variance from Section(s) #13-05 Sec 9.2 & 10.2.2.2(B) of the Pinehurst Development Ordinance which states:

LAKEFRONT / GOLF COURSE SETBACK FROM THE PROPERTY LINE
IS 30 FEET.

Property Description: LOT 334 PHASE 2 UNIT 16 Zoning District: MINERAL SPRINGS TOWNSHIP

Property Location: (address) 22 BEASLEY DRIVE, PINEHURST, NC 28374

Moore County Parcel ID #: 00035877



Application for Board of Adjustment – Request for a Variance

(revised 7/12/17)

Petition:

A variance from the regulations of this section may be granted by the Board of Adjustment if it finds that strict enforcement of the regulations would result in practical difficulties or unnecessary hardships to the applicant for the variance, and that, by granting the variance, the intent of this section and the Pinehurst Development Ordinance will be observed, public safety and welfare secured, and substantial justice done. It may reach this conclusion if it finds: (Applicant must make a statement supporting each finding, attach additional pages in necessary.)

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; Owners Robert and Pamela bought this golf course property as their retirement home. Their intention was to expand the very narrow 6' 6" wide patio to make it usable for outdoor dining and entertaining. All design work, plans and contractor selection were completed. A survey was necessary for a building permit. That is when an unfortunate jog in the property line adjoining the golf course was exposed. The proposed patio is only 13 feet wide and meets the 30-foot setback on the North end, but due to the jog in the property line, there is only a 26' 8" setback from the property line. Pinehurst LLC has visited the property and offered the attached letter in support of this variance application. They agree that it does not affect their golf course operations.
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;

The owners Robert and Pamela are senior citizens in their 70s. Robert has serious mobility issues, including peripheral neuropathy in both feet and walking/balance complications resulting from 8 major foot surgeries. Medical reports and X-Ray are attached as evidence.

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

The variance is requested for 3' 8" only for the south end of the proposed patio. The north end of the proposed patio is already compliant with the 30' set back requirements of applicable codes. The original patio is only 6' 6" wide and when including the stairs to the back yard, it is 10' 6" wide. The proposed patio is only 2' 6" wider than the existing patio and stairs. The proposed patio is only large enough to accommodate a 6-person table/chair set.

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.

All design plans were completed when the owners began the process of obtaining a building permit. That is when they learned that a certified survey would be necessary. The survey exposed a rather strange job in the rear property line adjacent to the golf course. The job in the property line eliminated any reasonable opportunity to create an outside space for dining and entertainment.



**Application for
Board of Adjustment – Request for a Variance**

(revised 7/12/17)

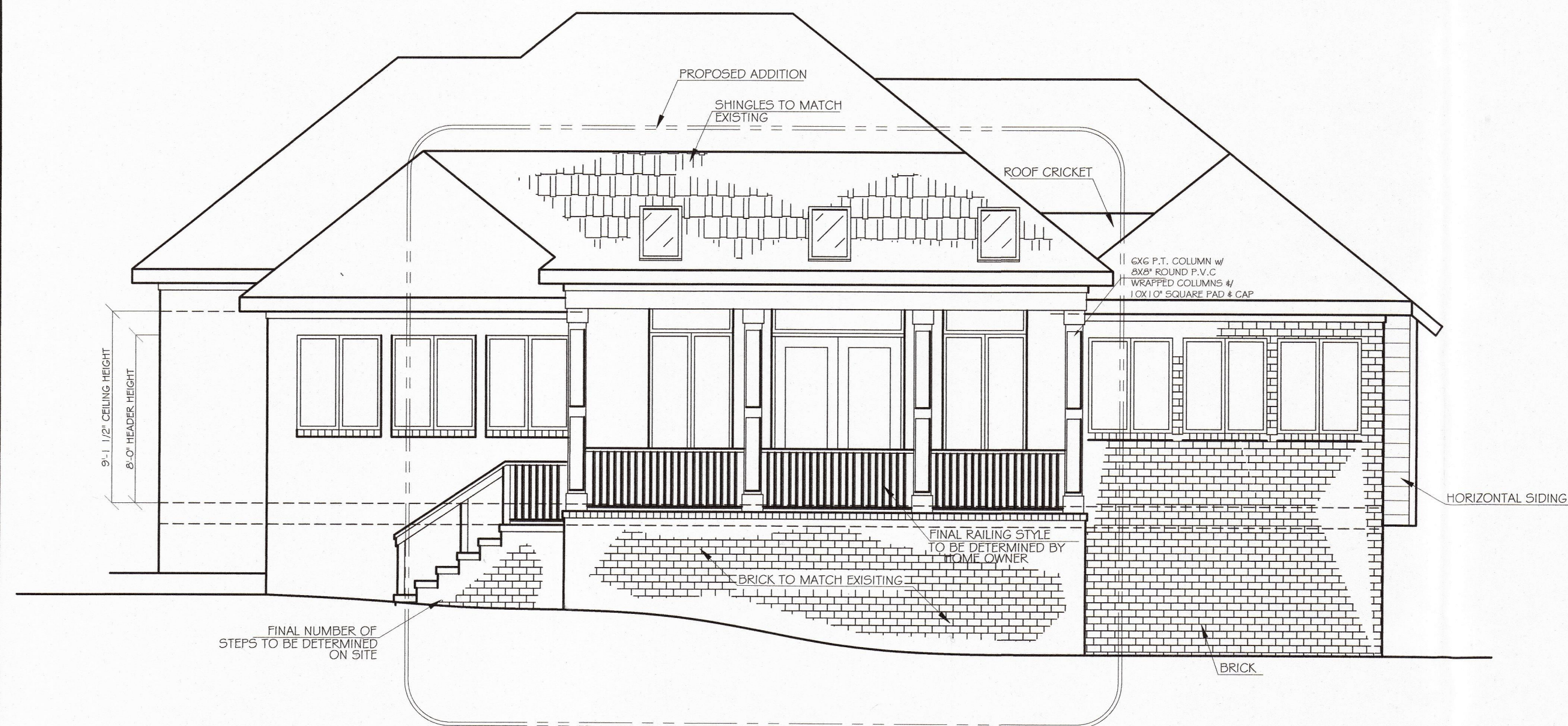
Therefore, on the basis of all the foregoing, it is ordered that the application for a variance be (GRANTED ____ or DENIED ____), subject to the following conditions:

Ordered this _____ day of _____, 20_____.

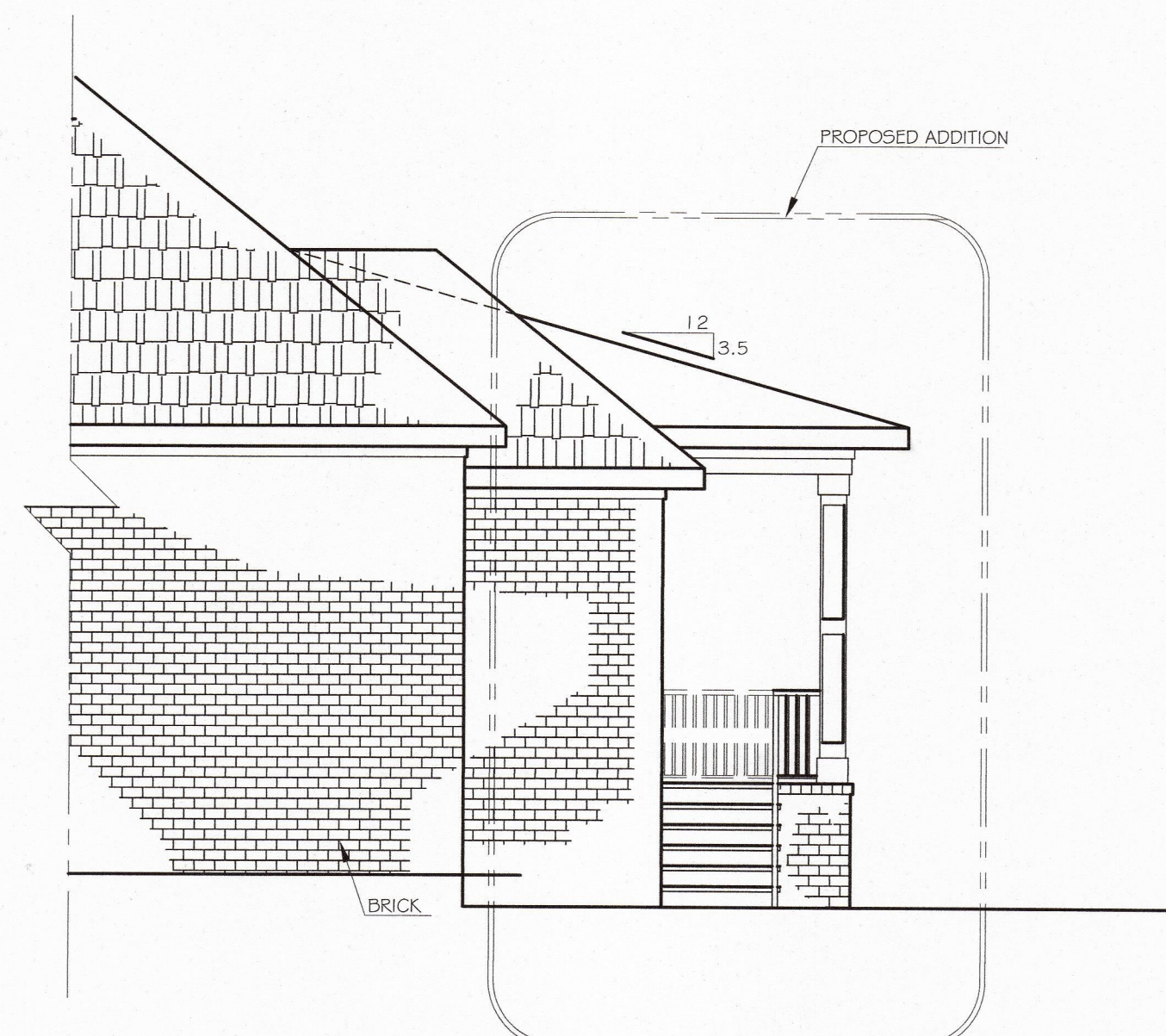
(Chairman)

(Secretary)

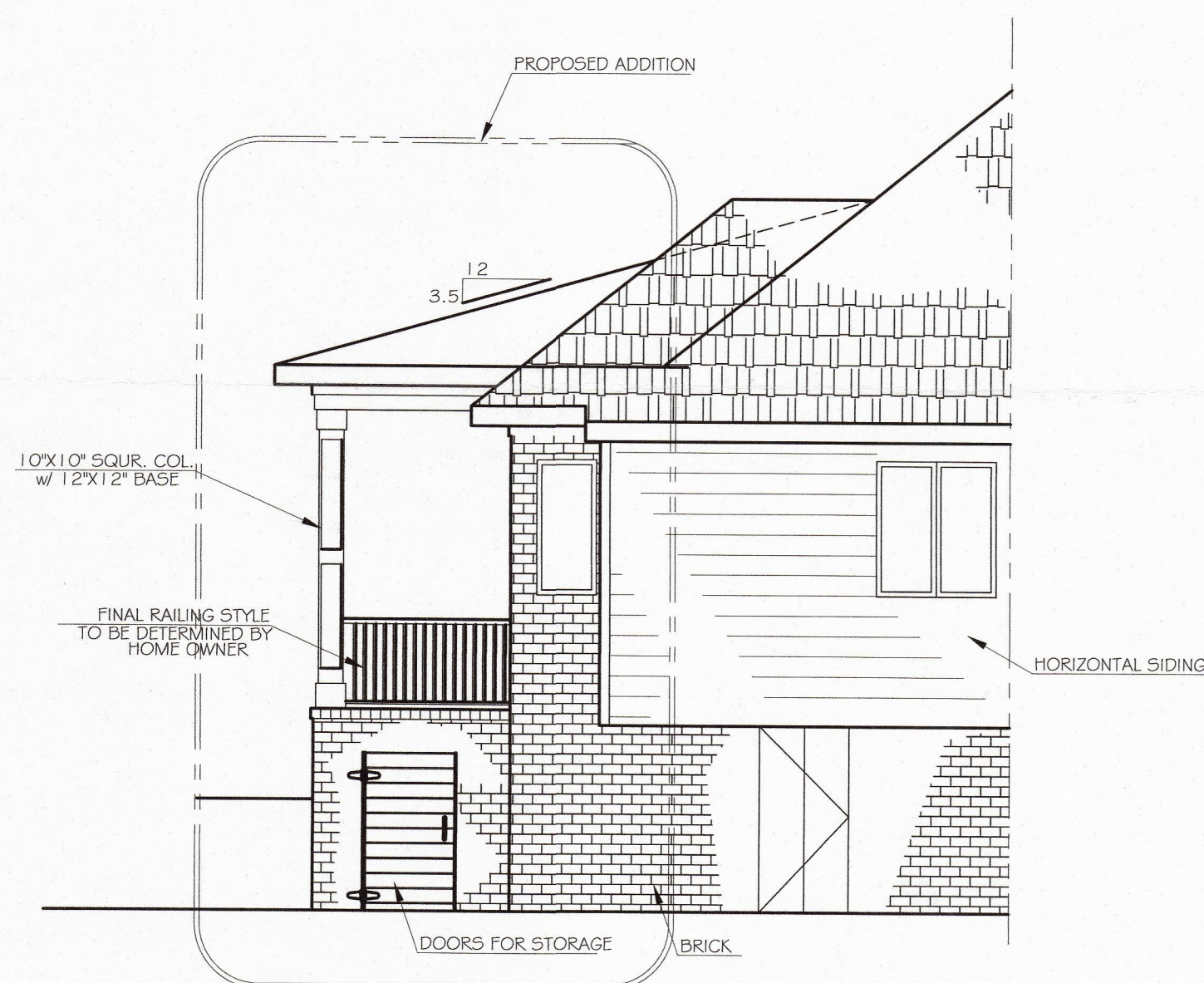
Please attach proof of ownership, such as a copy of a deed.



MODIFIED REAR ELEVATION



MODIFIED LEFT SIDE ELEVATION



MODIFIED RIGHT SIDE ELEVATION



ARTIGA DESIGN
Enrique J Artiga
(910)-315-27-10

Location:

Mr. Robert Babcock &
Mrs. Pamela Babcock
(559) 287-4000
22 Beasley Dr.
Pinehurst, NC 28374

Notes:

- 1) ALL FINAL MATERIALS ARE TO BE CHOSEN BY HOME OWNER AND/OR BUILDER.
- 2) FINAL NUMBER OF EXTERIOR STEPS WILL BE DECIDED ON CONSTRUCTION SITE
- 3) CONTRACTOR MUST VERIFY ALL MEASUREMENTS AND DETAILS BEFORE CONSTRUCTION BEGINS. ALL WORK MUST MEET OR EXCEED BUILDING CODES.
- 4) DESIGNER ASSUMES NO RESPONSIBILITY FOR CHANGES MADE TO THESE PLANS BY OTHERS, DURING CONSTRUCTION.
- 5) FOR SECURITY PURPOSES PLANS SHOULD BE REVIEWED BY A STRUCTURAL ENGINEER BEFORE CONSTRUCTION COMMENCES.

Footage Totals:

REAR PATIO	141 SQUARE FT.
REAR PATIO	175 SQUARE FT.
EXTENSION	

ALL NUMBERS ARE TO FRAME

Issue Date:

EJA 10/31/18

Drafting By:

JER 10/10/18
10/15/18

Sheet Name:

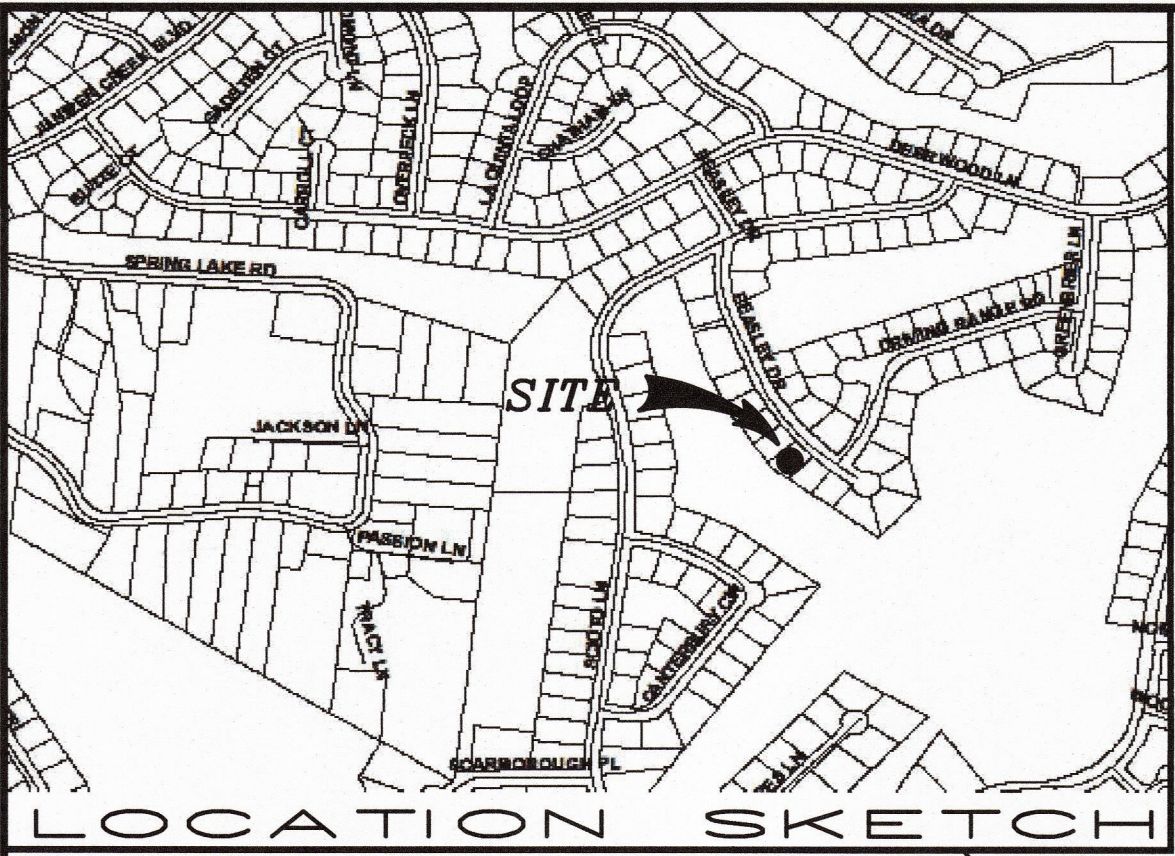
ELEVATIONS

Scale:

1/4"=1'0"

Sheet Number:

2 of 2



AREA IN:
HOUSE=3309 sq.ft.±
DRIVE =1736 sq.ft.±
WALK =446 sq.ft.±
TOTAL IMPERVIOUS=5491 sq.ft.±

PERCENT OF IMPERVIOUS COVERAGE=45%
PERCENT OF DWELLING COVERAGE=27%
SUBJECT PROPERTY IS ZONED "R-10".

NOTE:
SUBJECT PROPERTY IS LOCATED IN
A WS-III WATERSHED AREA.

SUBJECT PROPERTY IS NOT LOCATED
IN A FEMA DESIGNATED FLOOD ZONE.

LRK# 00035877

I CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION
FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION: THAT
THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM
INFORMATION SHOWN HEREON; THAT THE RATIO OF PRECISION OR
POSITIONAL ACCURACY IS 1/10,000+; AND THAT THIS MAP MEETS
THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND
SURVEYING IN NORTH CAROLINA (21 NCAC 56. 1600).

THIS DOCUMENT ORIGINALLY ISSUED AND SEALED BY
C. D. WENTLAND, PLS NO. 4312, ON SEPTEMBER 28, 2018.
THIS MEDIA SHOULD NOT BE CONSIDERED A CERTIFIED DOCUMENT.

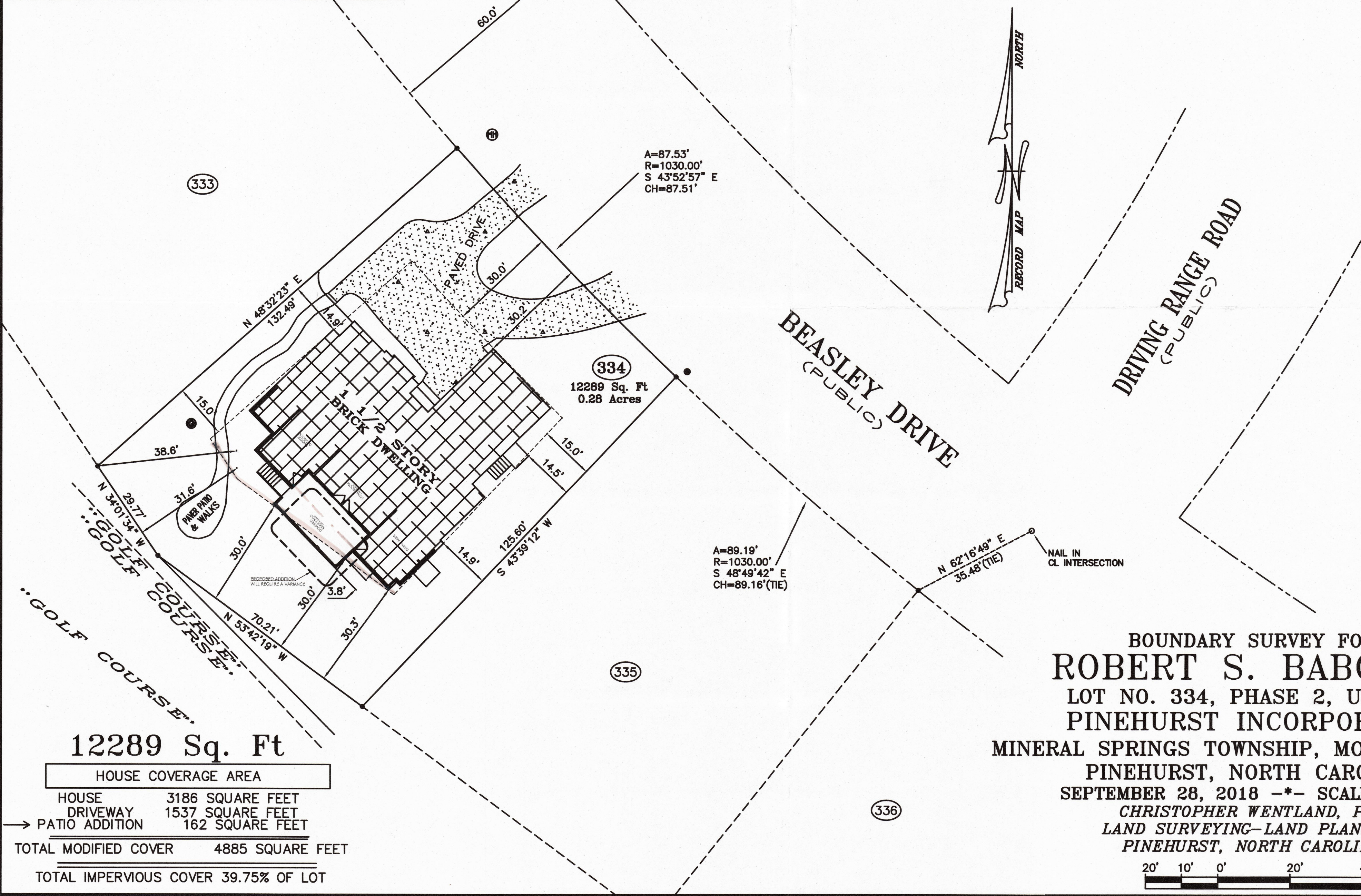
C. D. WENTLAND, PLS NO. 4312
DATE: 09/28/2018.

REFERENCE:
PLAT CABINET 1, SLIDES 111B-115
MOORE COUNTY REGISTRY

ACREAGE DETERMINED
BY COORDINATE METHOD.

NOT INTENDED TO BE PREPARED
FOR RECORDATION IN ACCORDANCE
WITH G. S. 47-30 AS AMENDED.

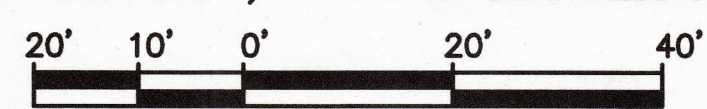
- UNLESS OTHERWISE DENOTED,
- =EXISTING IRON STAKE
 - =EXISTING CONCRETE MONUMENT
 - =SET CONCRETE MONUMENT
 - =SET IRON STAKE
 - ~=SQUARE FOOTAGE
 - ▲=POWER SERVICE STUB
 - =SEWER SERVICE STUB
 - =TELEPHONE SERVICE STUB
 - =CABLE TV SERVICE STUB
 - =WATER METER
 - =FIRE HYDRANT
 - ♂=UTILITY POLE
 - ⊙=BURIED PROPANE TANK
 - ⊕=SANITARY SEWER MANHOLE
 - - - X - - - = FENCE



A=87.53'
R=1030.00'
S 43°52'57" E
CH=87.51'

A=89.19'
R=1030.00'
S 48°49'42" E
CH=89.16'(TIE)

BOUNDARY SURVEY FOR
ROBERT S. BABCOCK
LOT NO. 334, PHASE 2, UNIT 16
PINEHURST INCORPORATED
MINERAL SPRINGS TOWNSHIP, MOORE COUNTY,
PINEHURST, NORTH CAROLINA
SEPTEMBER 28, 2018 --*-- SCALE 1"=20'
CHRISTOPHER WENTLAND, PLS
LAND SURVEYING-LAND PLANNING
PINEHURST, NORTH CAROLINA



12289 Sq. Ft	
HOUSE COVERAGE AREA	
HOUSE	3186 SQUARE FEET
DRIVEWAY	1537 SQUARE FEET
→ PATIO ADDITION	162 SQUARE FEET
TOTAL MODIFIED COVER 4885 SQUARE FEET	
TOTAL IMPERVIOUS COVER 39.75% OF LOT	



EXISTING PATIO



EXISTING PATIO



**BOARD OF ADJUSTMENT
OCTOBER 4, 2018
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
4:30 PM**

MINUTES

Board Members in Attendance:

Julia Latham, Chair
David Kelley, Vice-Chair
Mike Marsh, Vice-Chair
Leo Santowasso, BOA Member
Joel Shriberg, BOA Member

Board Members Absent:

Cyndie Burnett, BOA Member
Jeff Haarlow, BOA Member
Myles Larsen, BOA Member

Staff in Attendance:

Alex Cameron, Senior Planner
Gwendy Hutchinson, Planning and Administrative Assistant

I. Call to Order

Julia Latham, Chair confirmed that there was a quorum present and called the meeting to Order.

Julia Latham, Chair asked for a motion to appoint Joel Shriberg as a permanent Board of Adjustment (BOA) member.

Upon a motion by David Kelley and seconded by Leo Santowasso, the Board unanimously approved to appoint Joel Shriberg as a permanent BOA member.

II. Approval of Minutes

A. September 6, 2018

Upon a motion by David Kelley and seconded by Mike Marsh, the Board unanimously agreed to approve the September 6, 2018 Minutes.

III. Next Meeting Date

A. November 1, 2018

IV. Motion to Adjourn

Upon a motion by Leo Santowasso and seconded by Mike Marsh, the Board unanimously agreed to adjourn.

Respectfully Submitted,

*Gwendy Hutchinson
Planning and Administrative Assistant
Village of Pinehurst*

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.