



**BOARD OF ADJUSTMENT
REGULAR MEETING (ELECTRONIC)
THURSDAY, MARCH 11, 2021
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
4:00 PM**

Board Members Present:
Julia Latham, Chair*
Cyndie Burnett, Vice-Chair
David Alzamora
Jack Farrell
Phillip Shumaker, Alternate*

Board Members Absent:
Jeremy Hooper

Staff Present:
Peter Hughes, Senior Planner
Kelly Brown, Clerk to the Board

There were no public attendees.

I. Call to Order

Ms. Latham called the meeting to order at 4:01 pm and confirmed a quorum was present. *Ms. Latham and Mr. Shumaker participated remotely via Zoom meeting platform.

II. Public Hearing

A. Public Hearing No. 1

Ms. Latham stated this meeting was a continuation of Public Hearing No. 1 held March 4, 2021 at the regular scheduled BOA meeting. She stated new exhibits and documentation had been submitted to the Board.

Mr. Hughes stated the purpose of the public hearing was to receive testimony for a variance request from Section 9.2a Tables of Dimensional Requirements for the property addressed as 70 Maple Road, further identified by Moore County PID # 00018218. This property is located within the R-10 (High Density Residential) Zoning District and the Local Historic Preservation Overlay District. Specifically, the applicant and owner, Jason Tanner, is requesting a variance from the 30' Minimum Front Yard Setback.

Upon questioning by the Board, Mr. Hughes stated setbacks are usually regulated according to the size of property and sustainability of the location of the property.

Mr. Tanner stated the property was built prior to the current setback requirements and the variance is being requested as a relief from the hardship of the setbacks being applied to a historic property.

Mr. Degre stated they are asking for an additional 16 inches in depth for the front porch. He stated the porch length could not be widened due to aesthetic and structural reasons.

Mr. Farrell referenced Exhibit X stating the facts in the 65 Cherokee Road case were substantially different than the case before the Board. Ms. Latham agreed stating prior variance cases do not set precedent.

Ms. Latham stated Exhibits U (the letter from neighbor Bart Boudreaux and the e-mail from the Thompsons) cannot be considered competent evidence as they were not present to verify and be cross-examined, nor is it material evidence.

Since the meeting was held virtually, the Board took a five minute recess at 4:36 pm to allow witnesses to contact the Clerk to the Board to provide testimony or evidence. No persons contacted the Clerk to speak.

The hearing reconvened at 04:41 pm.

Mr. Alzamora discussed the hardship resulting from the porch not being usable. Mr. Farrell noted the setbacks are common to the neighborhood. Ms. Latham stated the hardship results from not being able to use the porch and interact with the community as desired by the applicant. Ms. Burnett stated a hardship would be not having a front porch, but there is a front porch. Mr. Shumaker discussed Exhibit L, a photograph, was subjective and could be altered, but agreed there was a hardship.

Ms. Burnett moved to close the Public Hearing No. 1 and re-enter the regular meeting. Seconded by Mr. Farrell. Approved by a vote of 5-0.

Ms. Latham moved:

- 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;

Homeowners will not be able to fully enjoy the front porch of their new residence and the community of old town Pinehurst.

- 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 angle and orientation of the home as it's currently sited did not result from any actions taken by the applicant.

- 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 home was sited historically in 1919 and did not result from any actions taken by the applicant.

- 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.

It fits the spirit of old town community and allowed it to be restored in a way in accordance with the historical nature of old town as will be reviewed by our Historic Preservation Commission.

Roll Call

Mr. Shumaker	<i>Approve</i>
Mr. Alzamora	<i>Approve</i>
Mr. Farrell	<i>Deny</i>
Ms. Burnett	<i>Deny</i>
Ms. Latham	<i>Approve</i>

The variance was not approved as a variance required 4 of 5 BOA members.

The Board debated making a motion requiring conditions be applied to the variance. The decision was made to move forward without making a new motion.

III. Next Meeting Date

A. Regular Meeting on April 8, 2021 (If the Board has business to conduct)

IV. Motion to Adjourn

Mr. Farrell moved to adjourn the meeting. Seconded by Mr. Alzamora. Approved by a vote of 5-0 at 5:16 pm.

Respectfully Submitted,



Kelly Brown
Clerk to the Board &
Planning 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.