



**BOARD OF ADJUSTMENT
MARCH 7, 2024
ASSEMBLY HALL
04:00 PM OR IMMEDIATELY FOLLOWING THE PLANNING & ZONING BOARD
MEETING.
PINEHURST, NORTH CAROLINA**

- I. Call to Order
- II. Approval of Minutes
 - A. 02-01-2024 BOA Regular Meeting Minutes
- III. Public Hearing
 - A. PLN-2023-00473 (80 Carolina Vista)

The purpose of the public hearing is to receive testimony for a variance request from Pinehurst Development Ordinance Section 9.13 Fences, Walls and Columns, Subsection (C), for the property addressed as 80 Carolina Vista, further identified by Moore County PID # 00025808. This property is located within the H (Hotel) Zoning District.
- IV. General Business
- V. Next Meeting Date
 - A. 04-04-2024 Regular Meeting
- VI. 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.*



**02-01-2024 BOA REGULAR MEETING MINUTES
ADDITIONAL AGENDA DETAILS:**

FROM:

Shelby Grow

CC:

Alex Cameron, Pamela Graham, Michael Mandeville, Maria Carpenter

DATE OF MEMO:

3/1/2024

MEMO DETAILS:

Attached is a draft copy of the Regular Meeting Minutes.

ATTACHMENTS:

Description

- ▣ 02.01.2024 BOA Regular Meeting Draft Minutes



**BOARD OF ADJUSTMENT
REGULAR MEETING
THURSDAY, FEBRUARY 01ST, 2024
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA**

04:00 PM or IMMEDIATELY FOLLOWING THE P&Z MEETING

Board Members Present:

Thomas Schroeder, Chair
Matt Jones, Vice-Chair
Jeremy Hooper
Carol Henry, Alt.

Board Members Absent:

Louise Mercuro, Alt.
Bruce Hironimus, Alt.
Sonja Rothstein
Paul Roberts

Staff Present:

Alex Cameron, Planning Director
Pamela Graham, Planning Supervisor
Michael Mandeville, Senior Planner
Maria Carpenter, Planner
Shelby Grow, Clerk to the Board
Paul Conners, IT Technician

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

I. Call to Order

Mr. Schroeder called the February 01st, 2024 Regular Meeting to order at 04:10 PM.

The Board Members introduced themselves.

II. Approval of Minutes

a. 01-04-2024 Regular Meeting Minutes

Mr. Hooper moved to approve the minutes of the January 04th, 2024 Regular Meeting. Seconded by Mr. Jones. Approved by a vote of 4-0.

Mr. Jones moved to recess the Regular Meeting and re-enter the Public Hearing. Seconded by Mr. Hooper. Approved by a vote of 4-0.

III. Public Hearing

a. PLN-2023-00473 (80 Carolina Vista Variance Request)

The purpose of the public hearing is to receive testimony for a variance request from Pinehurst Development Ordinance Section 9.13 Fences, Walls and Columns, Subsection (C), for the property addressed as 80 Carolina Vista, further identified by Moore County PID # 00025808. This property is located within the H (Hotel) Zoning District.

Mr. Mandeville addressed the Board stating the applicant would like to continue the case until the next Public Hearing date due to Board Members being absent today.

Mr. Jones moved that the Board of Adjustment continue the Public Hearing to the next Regular Meeting date of March 7th, 2024. Seconded by Mr. Hooper. Approved by a vote of 4-0.

IV. General Business

None.

V. Next Meeting Date

a. 03-07-2024 Regular Meeting

VI. Motion to Adjourn

Mr. Hooper moved to adjourn the Regular Meeting. Seconded by Ms. Henry. Approved by a vote of 4-0 at 04:16 PM.

Respectfully Submitted,

Shelby Grow
Clerk to the Board &
Planning Administrative Specialist
Village of Pinehurst

A videotape of this meeting is located on the Village website: www.vopnc.org.

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Values: Service, Initiative, Teamwork, and Improvement.



**PLN-2023-00473 (80 CAROLINA VISTA)
ADDITIONAL AGENDA DETAILS:**

The purpose of the public hearing is to receive testimony for a variance request from Pinehurst Development Ordinance Section 9.13 Fences, Walls and Columns, Subsection (C), for the property addressed as 80 Carolina Vista, further identified by Moore County PID # 00025808. This property is located within the H (Hotel) Zoning District.

FROM:

Michael Mandeville

CC:

Alex Cameron; Pamela Graham; BOA

DATE OF MEMO:

1/16/2024

MEMO DETAILS:

Applicant has submitted additional exhibits.

ATTACHMENTS:

Description

- ☐ Staff Exhibits S-1 through S-3
- ☐ Applicant exhibits A-1 through A-5



PLANNING AND INSPECTIONS DEPARTMENT STAFF REPORT

To: Zoning Board of Adjustment
From: Michael Mandeville, Senior Planner
CC: Alex Cameron, Planning and Inspections Director
Pamela Graham, Planning Supervisor
Maria Carpenter, Planner
Shelby Grow, Administrative Specialist
Date: December 29, 2023
Subject: Variance Request for 80 Carolina Vista (continued)

Applicant has attached additional information for review, otherwise Staff Report is unchanged.

Applicant:	Calvin Burkley
Owners:	Resorts of Pinehurst
Property Location:	80 Carolina Vista
Parcel Size:	991,425.6 square feet or +/- 22.76 acres
PID#	00025808
Zoning:	H (Hotel)
Fence Height:	6 Feet
Proposed Fence Height:	8 Feet with interspersed columns up to 9’8”
Land Use:	Hotel

Request and Background:

This request is to increase the fence height from the PDO maximum of 6’ to 8’ with interspersed brick columns up to 9’8” along Highway 5. The location of the fence along Highway 5 is shown in the attached exhibit provided by the applicant. Additionally, this fence would vary from the fence design standards provided in Section 9.13.D(1-7) of the Village of Pinehurst PDO by adding specific trim to the top of the fence. While the PDO permits the solid wooden fence, the trim detail is not allowed by the PDO. According to the applicant, the trim detail was inspired by the historic trim detail is located on the upper floor of the Department Store Building in the heart of the Village.

Section 9.13.B(1) of the PDO states fences, walls, and similar structures not over six (6) feet in height may project into the rear or side setback provided the lot does not abut a golf course or a lake. Fences,

walls, and similar structures are prohibited in the rear setback if the lot abuts a golf course or lake. If the side yard does not abut a golf course or lake, fences, walls, and similar structures may be erected to a maximum height of six (6) feet. Such fence or wall shall not be built in or through a required buffer unless the fence or wall has been designed as an integral part of the buffer and approved as such. The property is further identified as Moore County PID Number 00025808. The existing structure (hotel) was built between 1899 – 1900.

Along with this report and attachments, Staff has included the following exhibits for review and consideration of the Board:

- Exhibit S-2 – Zoning Map
- Exhibit S-3 – Aerial Map

The applicant has submitted the following labeled exhibits for review and consideration by the Zoning Board of Adjustment:

- Exhibit A-1 – Application for Variance
- Exhibit A-2.1 – A 2.2 – Project Information
- Exhibit A-2.3 – Project Location
- Exhibit A-2.4 – Property Fence Concept
- Exhibit A-2.5 – Existing Fence
- Exhibit A-2.6 – Example of Fence Trim
- Exhibit A-3.1 – Existing Peak Hour Traffic
- Exhibit A-3.2 – Existing Peak Hour Traffic with 6-Foot-Tall Barrier
- Exhibit A-3.3 - Existing Peak Hour Traffic with 8-Foot-Tall Barrier
- Exhibit A-4.1 – A-4.11 – Pinehurst Traffic Noise Analysis Memo
- Exhibit A-5- Pinehurst Resort Fence Supplemental Narrative

Variance and Evidentiary Hearing Process:

The Variance Process is intended to provide relief from the zoning requirements of the Pinehurst Development Ordinance (PDO) only 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, unreasonable or impossible to use because of some unique attribute or aspect of the property itself, or some other factor unique to the property for which the variance is requested.

Requests for variances are quasi-judicial decisions of the Board, and therefore, require an evidentiary hearing. These decisions are quasi-judicial due to the fact the Board exercises judgement and discretion in applying the standards for review. The purpose of evidentiary hearings is to gather competent, relevant, factual evidence on the application and not solicit broad public opinion. The Chair is responsible for calling witnesses, swearing in all wishing to provide testimony, following established procedures, ensuring that witnesses present relevant evidence only, and limiting repetitious testimony. Typically, staff acts as the initial witness and, after being sworn in, will present basic information and background on the request as well as enter staff exhibits into the record. Staff does not make a case or argument for or against the application. The applicant and other witnesses will be sworn in and can provide factual testimony on the application to the Board. Board Members listen and ask relevant questions, assess the credibility of all testimony, remain impartial, and vote on the case. At the conclusion of the hearing, the Board shall make its decision based on the competent, material, and substantial evidence while adopting findings of fact with all standards of review.

Standards of Review

North Carolina General Statute 160D-705 and Section 5.1.5 of the PDO set forth the standards of review the Boards of Adjustment's must review when considering applications for variances. These are the only standards the Board shall consider when making a decision on variance requests. The Board shall not grant a variance unless and until it makes findings on if all of the following standards have been met:

- (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. 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;
- (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.

Action by the Zoning Board of Adjustment:

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) Grant the requested variance;
- (4) Deny the requested variance;
- (5) Grant the requested variance with conditions. The 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 made by motion, accompanied by findings of fact that the variance meets or does not meet each of the Standards of Review, 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 report along with its attachments and material submitted by the applicant shall also be included as submitted evidence and made part of the record.



HISTORY, CHARM, AND SOUTHERN HOSPITALITY

NOTICE OF PUBLIC HEARING VILLAGE OF PINEHURST

November 15, 2023

Dear Property Owner:

The Village of Pinehurst Board of Adjustment (BOA) will hold a Public Hearing on Thursday, December 7, 2023 at 4:30 PM, or immediately following the Planning & Zoning Board Meeting, in Village Assembly Hall 395 Magnolia Road, Pinehurst, NC. The meeting will be streamed in real-time on the Village's website, at <https://www.vopnc.org/our-government/live-stream>, 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 Pinehurst Development Ordinance Section 9.13 Fences, Walls and Columns, Subsection (C), for the property addressed as 80 Carolina Vista, further identified by Moore County PID # 00025808. This property is located within the H (Hotel) Zoning District. Specifically, the owner, Resorts of Pinehurst, are requesting a variance to increase the fence height from 6' to 8' along Highway 5.

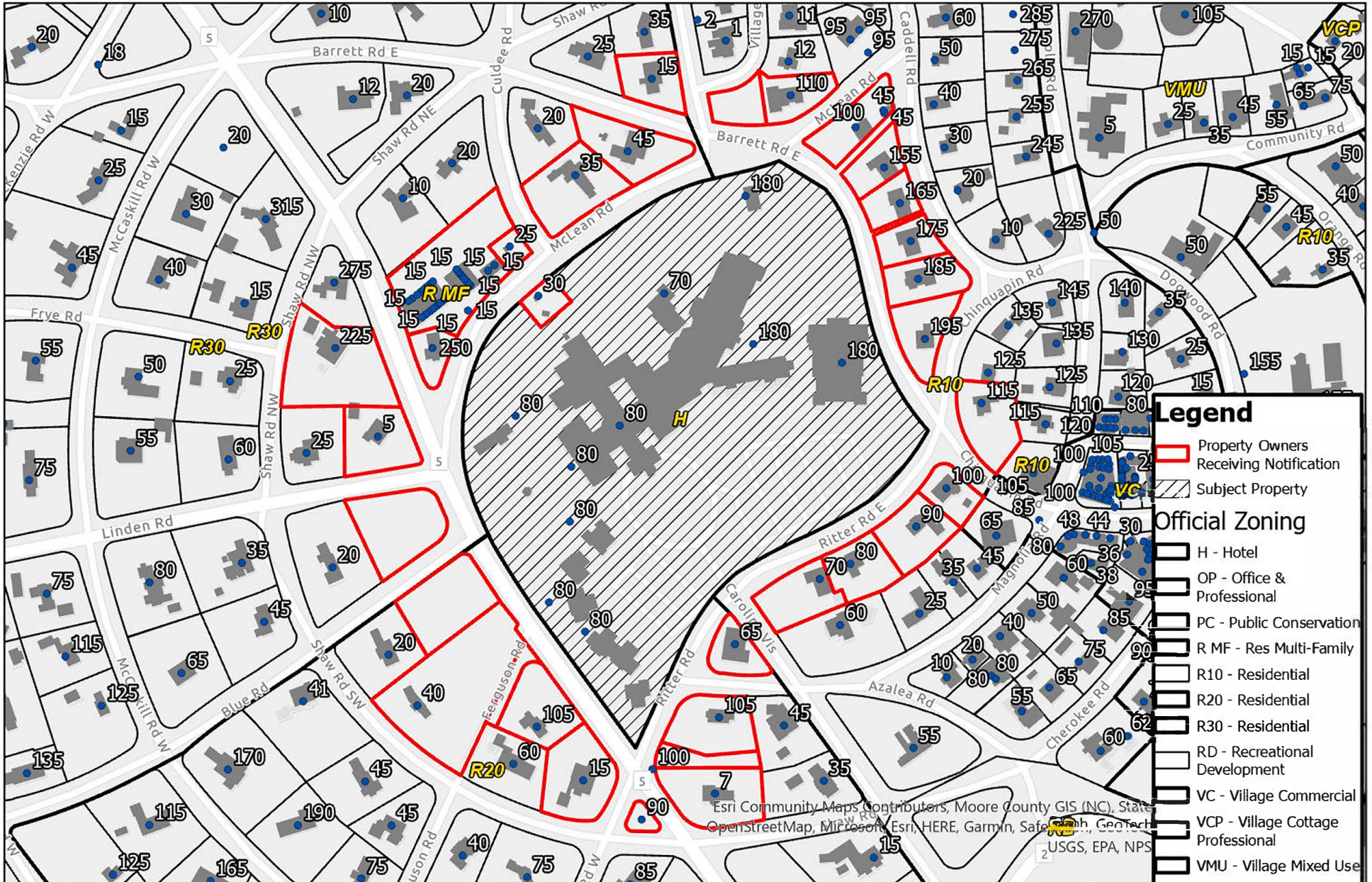
As the owner of said property, an adjacent property owner, or as the applicant; you are receiving formal notification of this Public Hearing. Information on this request is available for public review at the Planning and Inspections Department, Village Hall, 395 Magnolia Road, Pinehurst, North Carolina, Monday through Friday from 8:30 AM to 5:00 PM with the exception of holidays. 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/>.

The applicant, the local government, and any person who would have standing to appeal the decision under PDO Section 4.1.3 shall have the right to participate as a party at the evidentiary hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the board. All persons wishing to participate will be required to provide sworn testimony during the public hearing limited to presenting factual evidence on the request and testimony be made a matter of record.

For more information, please call (910) 295- 2581.

Public Hearing Notification

Exhibit S-1.6



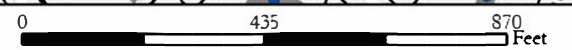
Legend

- Property Owners Receiving Notification
- Subject Property

Official Zoning

- H - Hotel
- OP - Office & Professional
- PC - Public Conservation
- R MF - Res Multi-Family
- R10 - Residential
- R20 - Residential
- R30 - Residential
- RD - Recreational Development
- VC - Village Commercial
- VCP - Village Cottage Professional
- VMU - Village Mixed Use

Esri Community Maps Contributors, Moore County GIS (NC), State OpenStreetMap, Microsoft, Esri, HERE, Garmin, Safe, DeLorme, GeoTech, USGS, EPA, NPS



Village of Pinehurst Disclaimer: It is understood that the data contained herein is subject to constant change and that its accuracy cannot be guaranteed. The maps have been created from information provided by various government and private sources at various levels of accuracy. The data is provided to you "as is" with no warranty, representation or guaranty as to the content, sequence, accuracy, timeliness or completeness of any of the information provided herein. It is the responsibility of the user of the data to be aware of the data's limitations and to utilize the data in an appropriate manner. Any resale of this data is strictly prohibited in accordance with North Carolina General Statutes 132-10. Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).

December 7, 2023 Board of Adjustments 80 Carolina Vista Variance Request



WHITFIELD, LYNDA H
2802 SE DUNE DR., APT 1407
STUART,FL,34996

BUNDER, JEFFREY
20 SHAW RD SW
PINEHURST,NC,28374

GOODING, ROBERT H & NANCY W
3417 HORSESHOE BEND
RALEIGH,NC,27613

GESTION MAGB INC
2170 RENE LEVESQUE W ST202
Montreal, Canada H3HT8

MCARTHUR, DANIEL L
PO BOX 190
PINEHURST,NC,28370

MOORE COUNTY
PO BOX 905
CARTHAGE,NC,28327-0905

ADKINS, KIRK S
70 E CAROLINA VISTA
PINEHURST,NC,28374

SPEGGEN, ELIZABETH A
165 BARRETT RD E
PINEHURST,NC,28374

MOORE COUNTY
PO BOX 905
CARTHAGE,NC,28327-0905

CORDELL, CHARLES L
PO BOX 10
PINEHURST,NC,28374-0010

KASPER, FREDERICK TRUSTEE
8942 PERKINS DRIVE
MENTOR,OH,44060

RICE, COREY JAMES
PO BOX 3347
PINEHURST,NC,28374

CORDELL, CHARLES L
PO BOX 10
PINEHURST,NC,28374-0010

PHILLIPS, RICK
PO BOX 1867
PINEHURST,NC,28370

MOORE, SUSAN S
180 EDGEWATER PL
PINEHURST,NC,28374

MOSSO, JOSEPH A JR &
P O BOX 1593
PINEHURST,NC,28370-1593

FOLEY, HUGH W &
15 W RITTER ROAD
PINEHURST,NC,28374

DEWEY, PAUL H & MICHELE K
400 WATERS DR APT D305
SOUTHERN PINES,NC,28387-2292

WELCH, KEEFER D & PATRICIA A
45 MCLEAN RD
PINEHURST,NC,28374

CONDON, BREEN O
PO BOX 1870
PINEHURST,NC,28370-1870

VILLAGE OF PINEHURST
395 MAGNOLIA RD
PINEHURST,NC,28374

CLOUGH, CHRISTIAN
1506 PLEASANT VIEW RD
COOPERSBURG,PA,18036

ROBERTS PROFESSIONAL SERVICES, LLC
40 DALRYMPLE RD
PINEHURST,NC,28374

HENDERSON, GREGORY B & BONNY B
PO BOX 934
PINEHURST,NC,28370

THIGPEN, FRANK C & LYNNE S
PO BOX 1034
PINEHURST,NC,28374-1034

HALL, BERTRAM B
155 BARRETT ROAD
PINEHURST,NC,28374

ADVANTAGE PG, INC
6312 KINARD RD
DURHAM,NC,27703

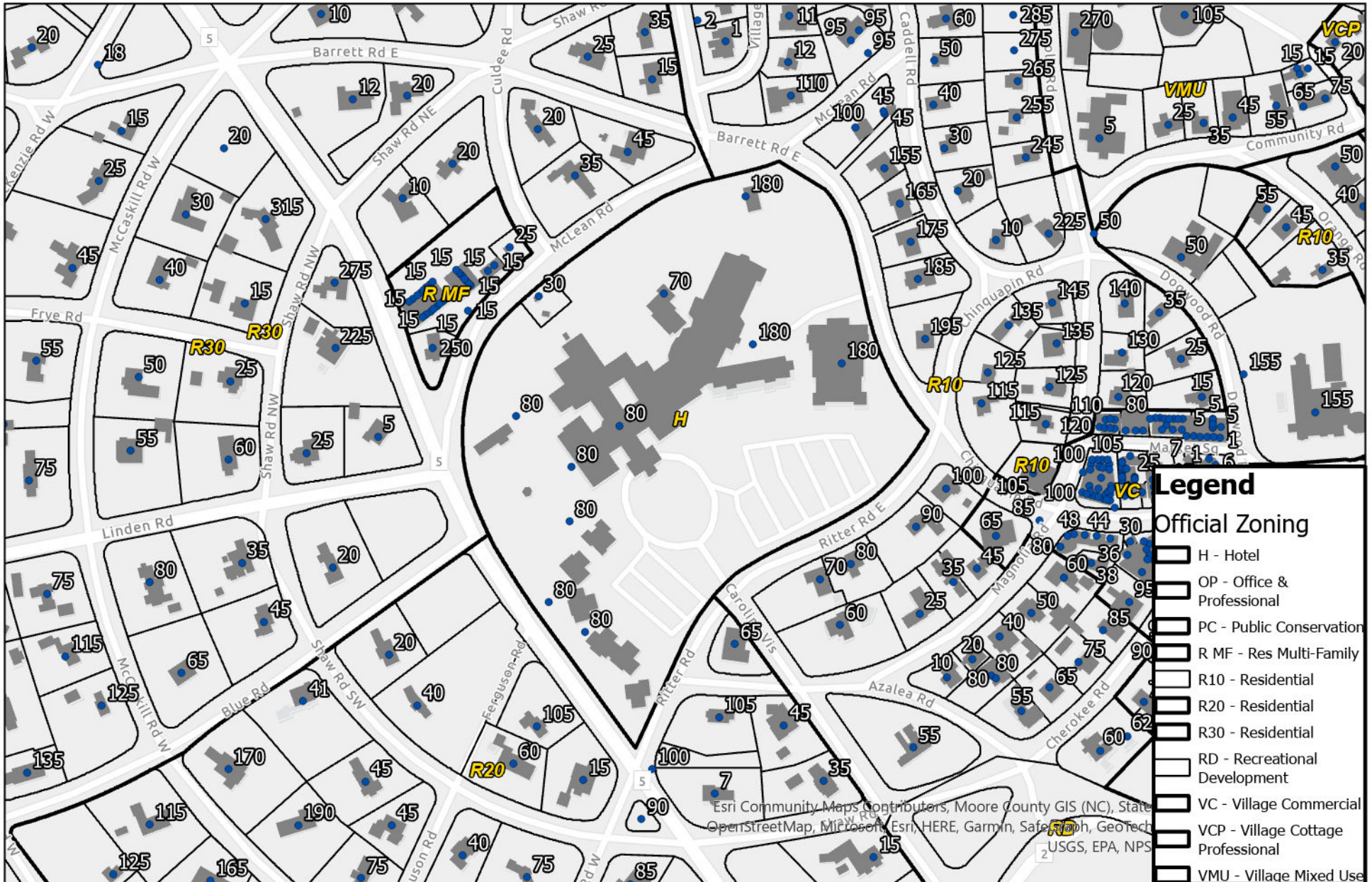
CLOUGH, CHRISTIAN
1506 PLEASANT VIEW RD
COOPERSBURG,PA,18036

RESORTS OF PINEHURST INC
PO BOX 4000
PINEHURST,NC,28374

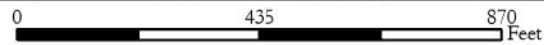
THOMPSON, JAMES W & THOMPSON, LYNNE C
211 FOALING ROUND LANE
CARTHAGE,NC,28327

Zoning Map- 80 Carolina Vista

Exhibit S-2



Esri Community Maps Contributors, Moore County GIS (NC), State OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTech, USGS, EPA, NPS



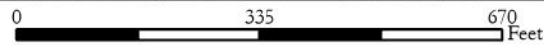
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December 7, 2023 Board of Adjustments 80 Carolina Vista Variance Request



Public Hearing Notification

Exhibit S-3



Village of Pinehurst Disclaimer: It is understood that the data contained herein is subject to constant change and that its accuracy cannot be guaranteed. The maps have been created from information provided by various government and private sources at various levels of accuracy. The data is provided to you "as is" with no warranty, representation or guaranty as to the content, sequence, accuracy, timeliness or completeness of any of the information provided herein. It is the responsibility of the user of the data to be aware of the data's limitations and to utilize the data in an appropriate manner. Any resale of this data is strictly prohibited in accordance with North Carolina General Statutes 132-10. Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).

December 7, 2023
Board of Adjustments
80 Carolina Vista Variance Request



PLN-2023-00473 - Carolina Fencing

Menu Help

File Date: [11/07/2023](#)

Application Status: [In Review](#)

Application Type: [Variance](#)

Application Detail: [Detail](#)

Description of Work: [See attached narrative](#)

Application Name: [Carolina Fencing](#)

Address: [80 Carolina Vista Dr, Pinehurst, NC 28374](#)

Owner Name: [Resorts of Pinehurst, Inc.](#)

Owner Address: [1 Carolina Vista, Pinehurst, NC 28374](#)

Parcel No: [00025808](#)

Contact Info:	Name	Organization Name	Contact Type	Contact Primary Address	Status
	Calvin Burkley		Applicant		Active
	Bob Koontz	Koontz Jones De...	Contact		Active

Licensed Professionals Info:	Primary	License Number	License Type	Name	Business Name	Business License #
Job Value:	\$0.00					
Total Fee Assessed:	\$500.00					
Total Fee Invoiced:	\$500.00					
Balance:	\$0.00					

Custom Fields: PROJECT INFORMATION

Legal Basis for Application	General Description of Variance Request	Ordinance Section Reference
Owner of the Land Affected by the Variance	The applicant requests to increase the fence height from PDO maximum of 6' to 8' along Highway 5	Section 9.13(C)
Ordinance Text (Verbatim) (C) Fences and walls in non-residential zoning districts and/or on non-residential properties: ex cept in the RD zoning district, fences and walls or similar structures not over six feet in height may project into any required setback	See attached narrative Description of unnecessary hardship that would result from the strict application of the ordinance	See attached narrative Description of how the hardship results from conditions that are peculiar to the property
Description of how the hardship did not result from actions taken by the applicant/owner	Explanation of how the requested variance is consistent with the intent of the ordinance	
See attached narrative	See attached narrative	

Workflow Status:	Task	Assigned To	Status	Status Date	Action By
	Appeal Filed		Accepted	11/13/2023	Michael Mandeville
	Review for Completeness	Alex Cameron	Complete	11/30/2023	Michael Mandeville
	Planning Review	Alex Cameron	Complete	11/30/2023	Michael Mandeville
	BOA Notification	Alex Cameron	Meeting Noti...	11/30/2023	Michael Mandeville
	Staff Report	Alex Cameron	In Progress	11/30/2023	Michael Mandeville
	BOA Hearing	Alex Cameron			

Condition Status:	Name	Short Comments	Status	Apply Date	Severity	Action By	
Documents:	File Name	Document Group	Category	Description	Type	Document Status	Document Status Date
	Variance Application -...	PLN_VAR	Other	-Application -Narra...	application/pdf	Uploaded	11/07/2023
	Variance Application s...	PLN_VAR	Other	Signed application	application/pdf	Uploaded	11/07/2023
	Your application PLN-1...	PLN	Email		application/octet-s...	Uploaded	11/30/2023
	Show all						

Application Comments:	View ID	Comment	Date
Initiated by Product:	ACA		

Scheduled/Pending Inspections:	Inspection Type	Scheduled Date	Inspector	Status	Comments
Resulted Inspections:	Inspection Type	Inspection Date	Inspector	Status	Comments

Required Inspections:

October 9, 2023 – Updated November 29, 2023

Alex Cameron
Planning Director
Village of Pinehurst
395 Magnolia Road
Pinehurst, NC 28374

Re: Pinehurst Resort
Fence Variance Request

Dear Mr. Cameron,

Pinehurst Resort requests a variance to modify the fence along Highway 5, which surrounds the Carolina Hotel, the hotel pool, and the hotel Villas. The Resort would like to increase the fence height to 8' with interspersed brick columns up to 9'8". Additionally, this fence would vary from the fence design standards provided in the Pinehurst Development Ordinance (PDO) by adding a specific trim detail at the top of the fence. While the PDO permits the solid wooden fence, the trim detail is not shown in the PDO. The trim detail was inspired by the historic fence detail located on the upper floor of the Department Store Building in the heart of the Village (see attached photographs). The following information demonstrates the hardship incurred by the Resort and justification for the variance based on the Pinehurst Development Ordinance (PDO) criteria.

- (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.

With the location of the Carolina Hotel, Hotel Villas, and Hotel pool directly adjacent to Highway 5, vehicular noise is a growing concern. The increased traffic and truck volume on Highway 5 is raising the noise levels throughout the day and evening hours. Pinehurst Resort would like to replace the existing fence with a taller, more solid fence with masonry columns to reduce the noise levels for the guests and visitors in this area. The trim detail at the top of the fence serves to break up the perceived height of the fence and add design interest, inspired by historic Village fencing.

- (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.

This is a unique request for this particular property. The hotel use is unique along the Highway 5 corridor. Special events occur in this area, including weddings, receptions, and other notable events. In addition, the hotel lodging is unique to this property along Highway 5.



- (C) 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 a variance shall not be regarded as a self-created hardship.

The Resort facilities and events in this area have been in place for a significant time. There has been a fence in place in this area for many years. The increased traffic volume and noise are not a result of any actions taken by the applicant. The applicant is seeking the variance to mitigate the impacts of the increased traffic volume, which is out of their 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.

This variance request is consistent with the spirit of the ordinance and simply the result of increased traffic volumes on a primary transportation corridor within the Village. The increased fence height will have no negative impacts on public safety. It will protect the Resort experience for visitors, guests, and people attending special events in this particular area of the Resort. The fence will be upgraded from the existing fence and be visually appealing, in character with the Resort and historic Village. Trim detailing, while not consistent with the PDO, is consistent with design elements in other locations within the core Village. The fence design will still require the Historic District Commission's approval to determine whether the fence fits within the Village of Pinehurst Historic District.

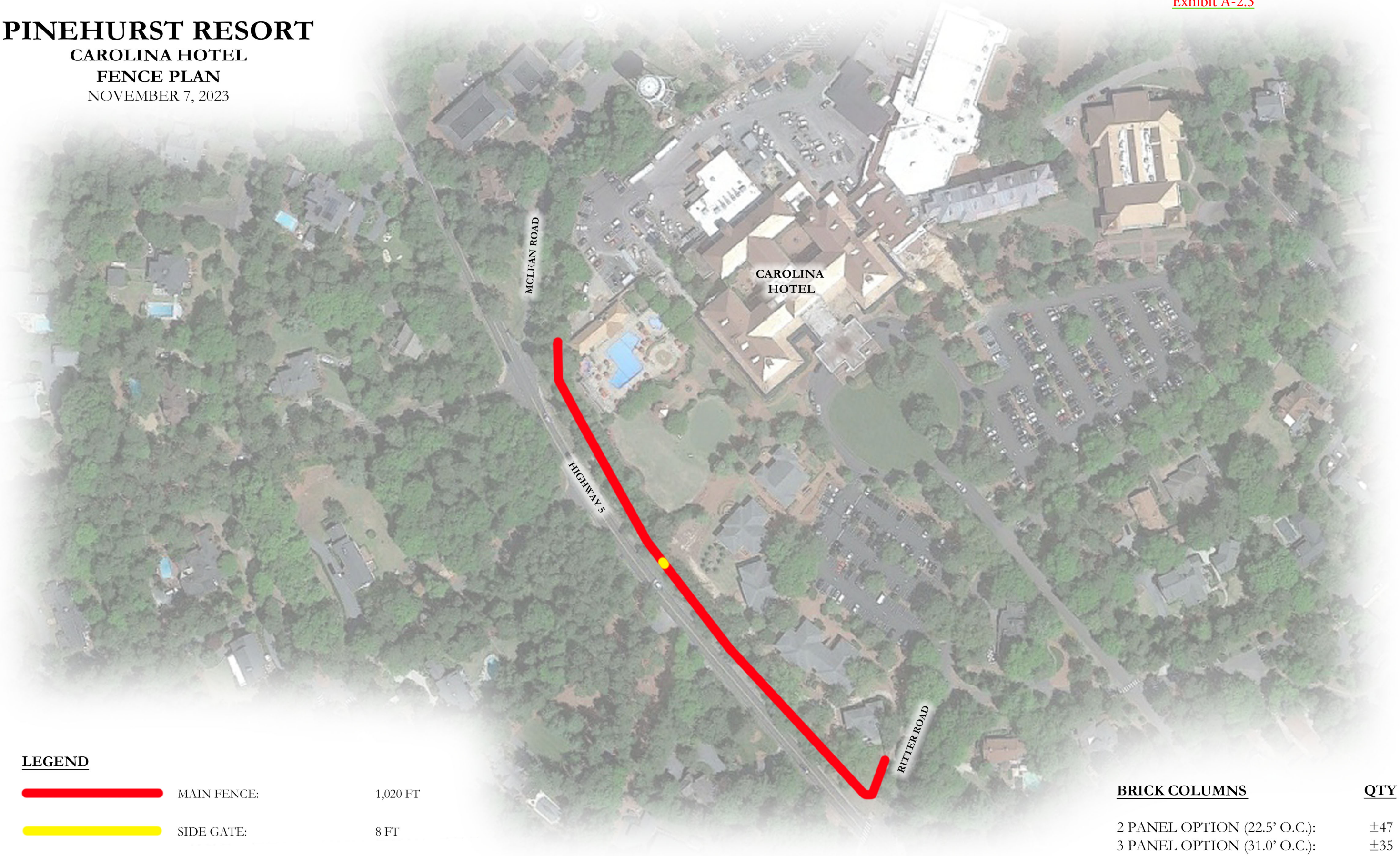
The above narrative is a justification for the increased fence height based on the PDO criteria for a variance. Pinehurst Resort appreciates your consideration of this variance request and the unique circumstances that have led to the request for additional fence height along Highway 5.

Best Regards,



Robert Koontz, PLA

PINEHURST RESORT
CAROLINA HOTEL
FENCE PLAN
NOVEMBER 7, 2023



LEGEND

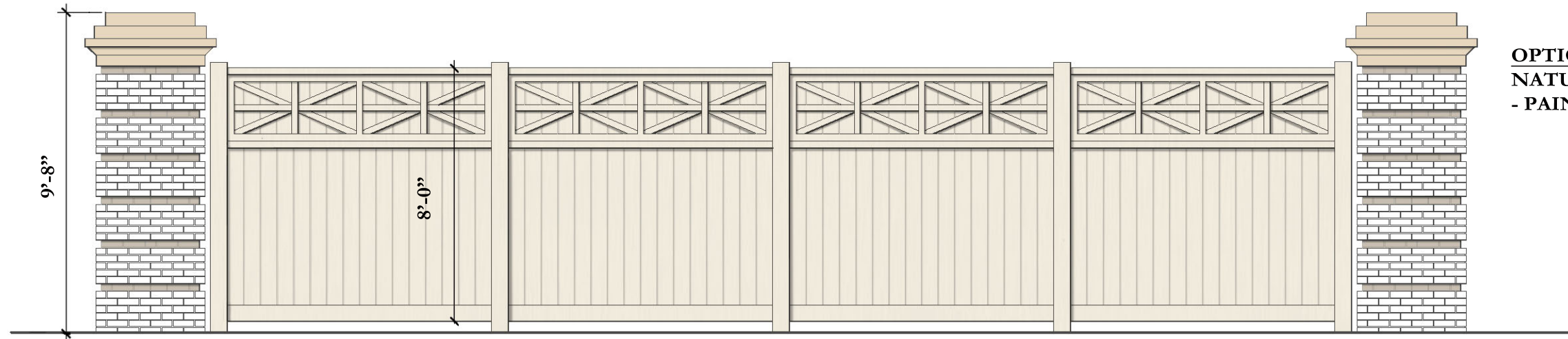
-  MAIN FENCE: 1,020 FT
-  SIDE GATE: 8 FT

BRICK COLUMNS		QTY
2 PANEL OPTION (22.5' O.C.):		±47
3 PANEL OPTION (31.0' O.C.):		±35
4 PANEL OPTION (39.5' O.C.):		±28

PINEHURST RESORT

CAROLINA HOTEL
PROPERTY FENCE CONCEPTS
NOVEMBER 7, 2023

CONCEPT B2 OPTION 1



OPTION 1
NATURAL WOOD FENCE
- PAINTED OFF WHITE

SCALE: 1/4" = 1'-0"



Exhibit A-2.5



105

Pinehurst
Dept. Store
ESTAB. 1897

Exhibit A-3.1

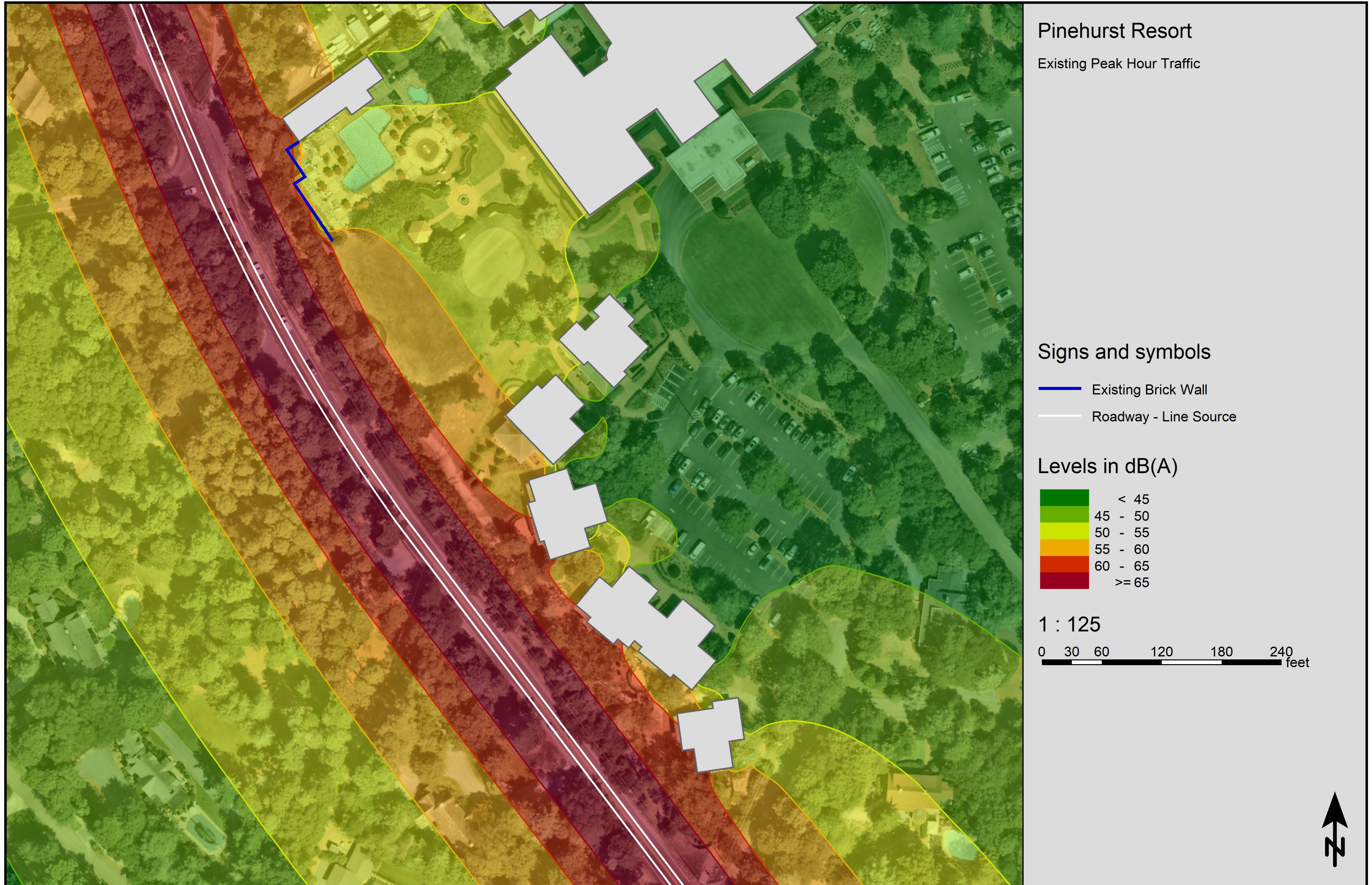
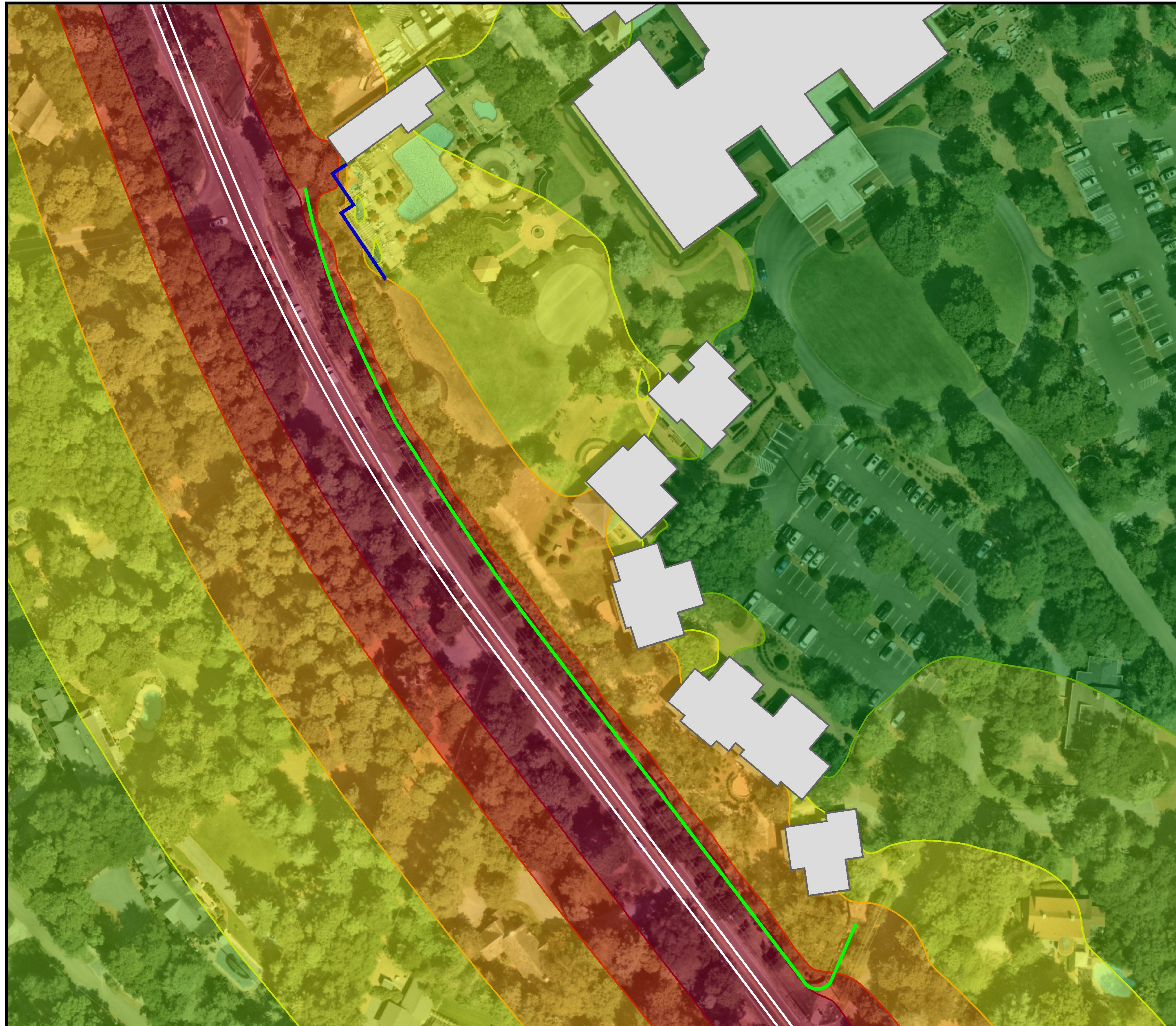


Exhibit A-3.2



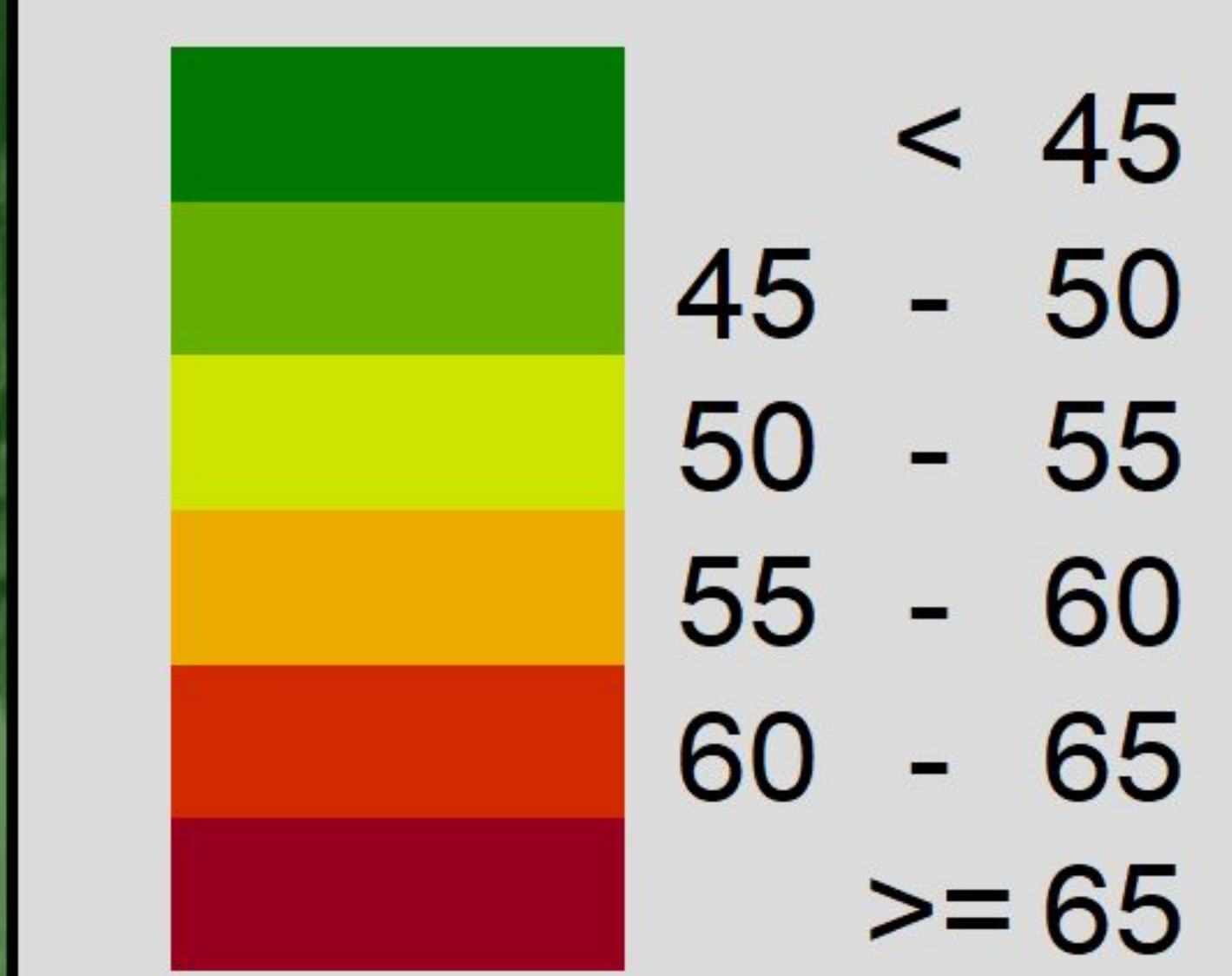
Pinehurst Resort

Existing Peak Hour Traffic
with 6-foot Tall Barrier

Signs and symbols

- Existing Brick Wall
- Proposed 6-ft Barrier
- Roadway - Line Source

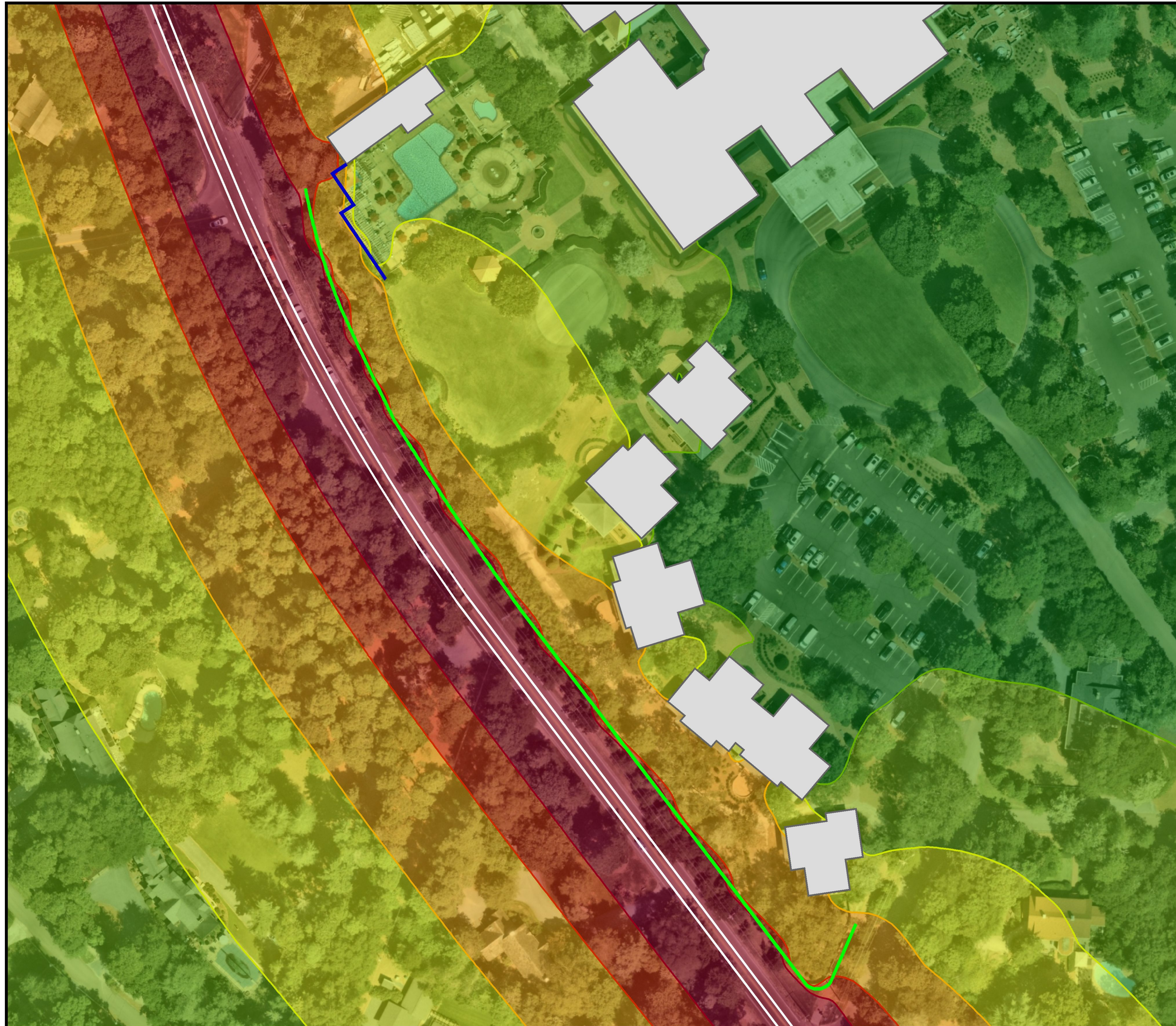
Levels in dB(A)



1 : 125



Exhibit A-3.3



Pinehurst Resort

Existing Peak Hour Traffic
with 8-foot Tall Barrier

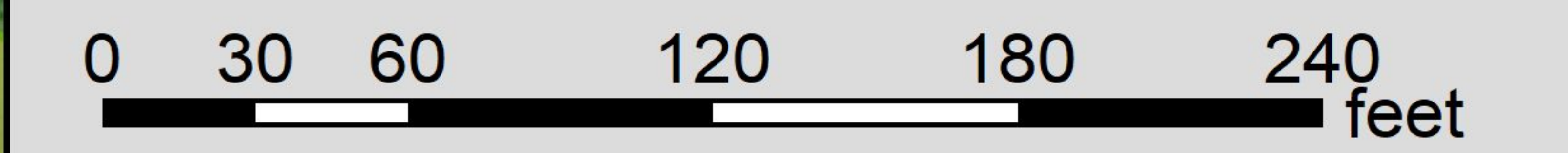
Signs and symbols

- Existing Brick Wall
- Proposed 8-ft Barrier
- Roadway - Line Source

Levels in dB(A)

< 45
45 - 50
50 - 55
55 - 60
60 - 65
>= 65

1 : 125





February 1, 2024

Bob Koontz, PLA
Koontz Jones Design

Subject: *Pinehurst Traffic Noise Analysis Memo
Pinehurst, North Carolina*

Executive Summary

The purpose of this technical memorandum is to summarize the measured and evaluated traffic noise levels from Beulah Hill Road within the Pinehurst Resort property. The resort property generally consists of various lodging buildings, a spa, an outdoor pool, and an outdoor wedding/event space. It is located just west of downtown Pinehurst and approximately 5 miles northwest of Southern Pines. The resort property is east of Beulah Hill Road, south of McLean Road, west of Barrett Road, and north of the Ritter Road. The location of the resort property is shown in **Figure 1**.

Existing Conditions

The predominant sources of noise in the vicinity of the resort property were observed to be traffic along Beulah Hill Road as well as activity at and around the resort. Other sources of noise included ambient environmental noise, which includes wind, birds chirping, insects, landscaping equipment, etc. Also, the Moore County Airport is approximately 5 miles northeast of the Pinehurst Resort, and noise from airplanes was observed to occur on an intermittent basis.

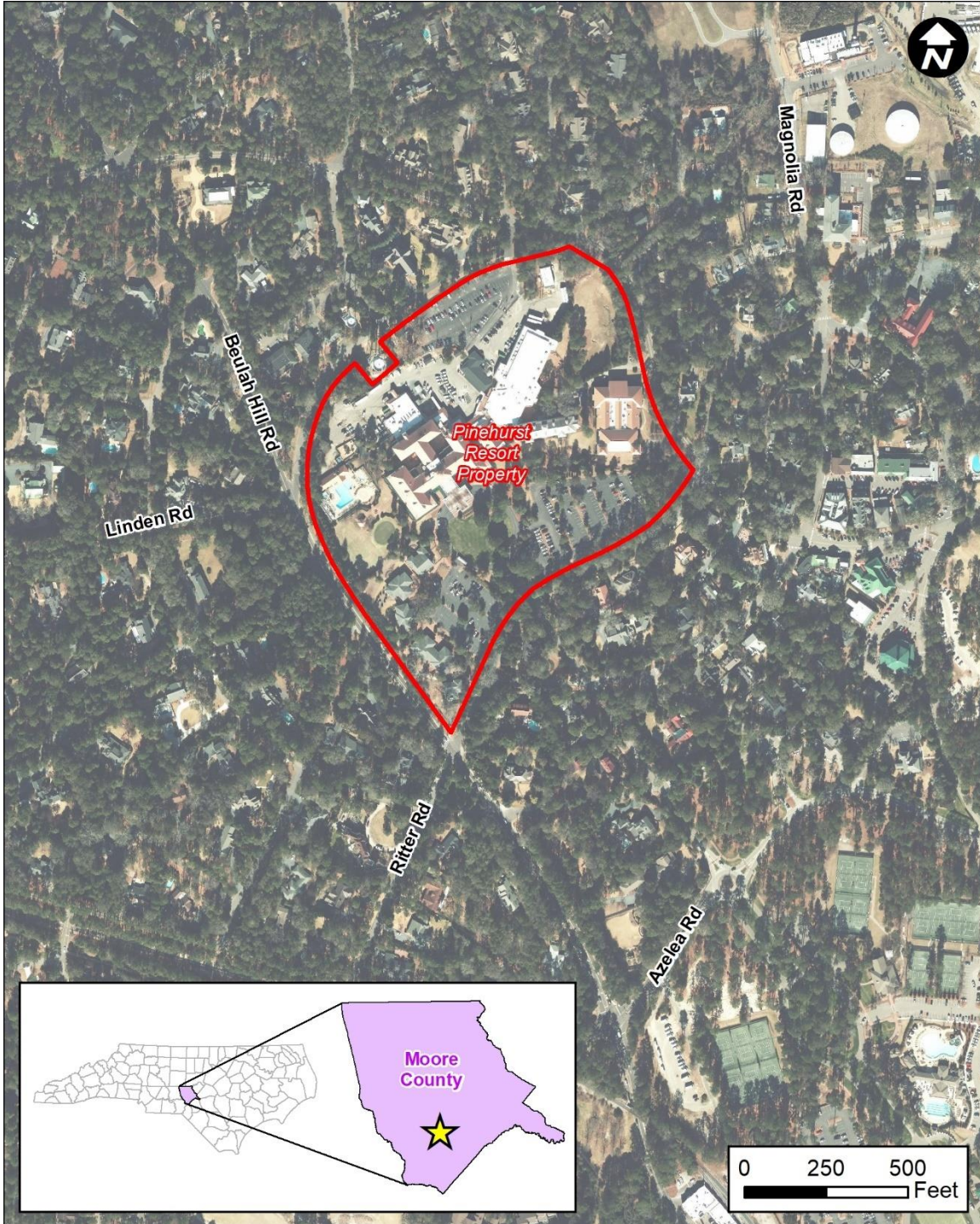
To assess existing traffic noise conditions, short-term noise measurements were collected for 30-minute durations on January 11, 2024. Norsonic NOR140 and NOR116 ANSI Type 1 integrating sound level meters were set up in a geometric array perpendicular to Beulah Hill Road to understand how traffic noise dissipated as distanced from the roadway increased. Short-term noise measurement hourly equivalent (Leq) values obtained in the field ranged between approximately 59 dB(A) and 52 dB(A). The short-term noise field data of each monitoring site is shown in **Table 1**.

Table 1. Short-term Noise Measurement Data

Setup	Location Description	Measurement Time	Measured L_{eq} Noise Level [dB(A)]	Measured L_{max} Noise Level [dB(A)]
ST1-1	Approximately 55 feet northeast of Beulah Hill Road	9:45-10:15 am	59.3	76.2
ST1-2	Approximately 155 feet northeast of Beulah Hill Road		54.2	70.0
ST1-3	Approximately 240 feet northeast of Beulah Hill Road		52.1	68.4

Measurements were taken using the A-weighted scale and are reported in decibels [dB(A)]. Data collected by the noise meters included time, average noise level (Leq), maximum noise level (Lmax), and instantaneous peak noise level (Lpk) for each interval. Hourly average noise levels (Leq(h)) were derived from the Leq values. The measurements were collected under meteorologically acceptable conditions and were conducted based on the acceptable collection of noise level readings.

Figure 1: Site Location and Vicinity



Characteristics of Noise

Noise is generally defined as unwanted sound. It is emitted from many natural and man-made sources. Sound pressure levels are usually measured and expressed in decibels (dB). The decibel scale is logarithmic and expresses the ratio of the sound pressure unit being measured to a standard reference level. Most sounds occurring in the environment do not consist of a single frequency, but rather a broad band of differing frequencies. The intensities of each frequency add together to generate sound. Because the human ear does not respond to all frequencies equally, the method commonly used to quantify environmental noise consists of evaluating all of the frequencies of a sound according to a weighting system. It has been found that the A-weighted decibel [dB(A)] filter on a sound level meter, which includes circuits to differentially measure selected audible frequencies, best approximates the frequency response of the human ear.

The degree of disturbance from exposure to unwanted sound – noise – depends upon three factors:

1. The amount, nature, and duration of the intruding noise
2. The relationship between the intruding noise and the existing sound environment; and
3. The situation in which the disturbing noise is heard

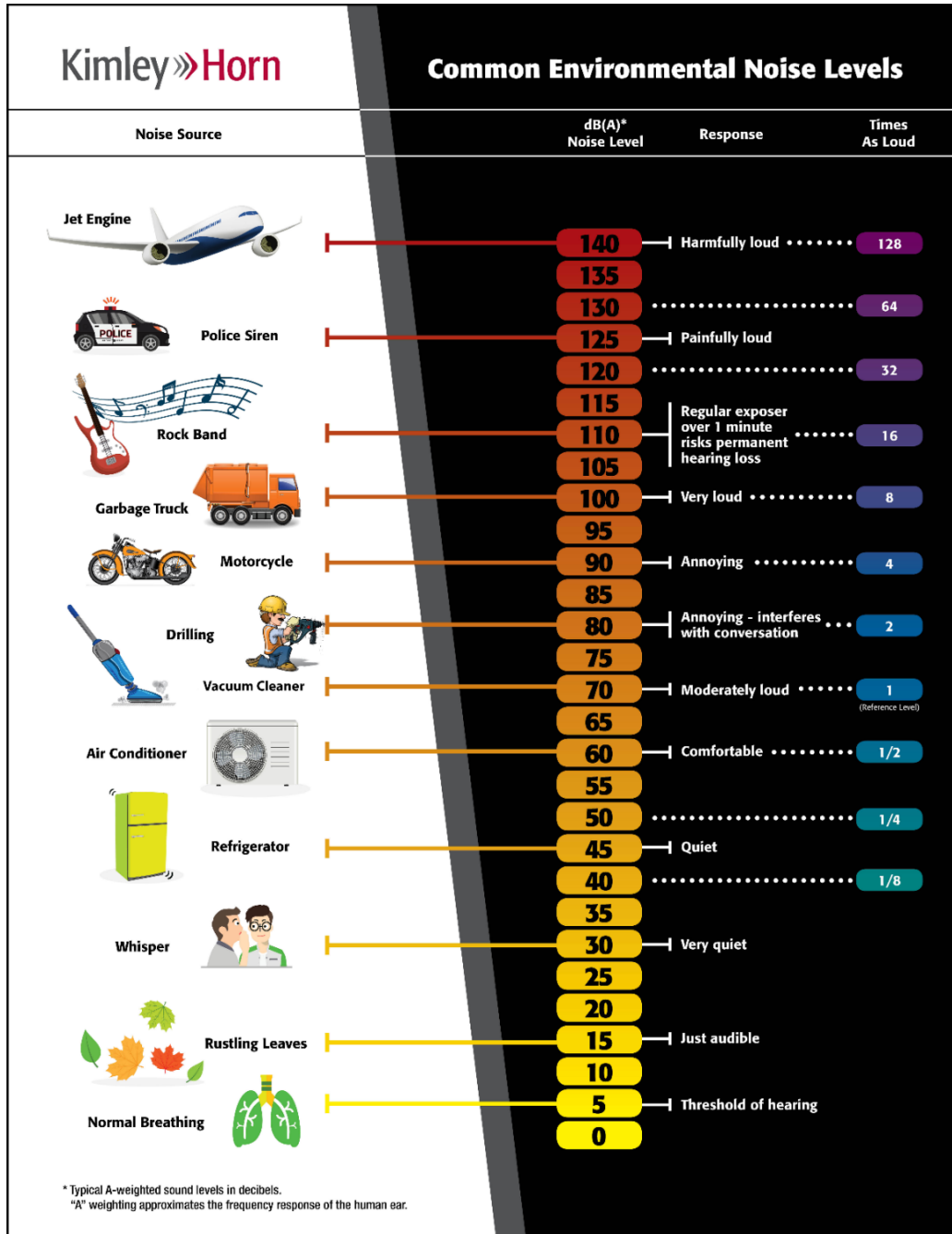
In considering the first of these factors, it is important to note that individuals have varying sensitivity to noise. Loud noises bother some people more than other people, and some individuals become increasingly upset if an unwanted noise persists. The time patterns and durations of noise(s) also affect perception as to whether or not it is offensive. For example, noises that occur during nighttime (sleeping) hours are typically considered to be more offensive than the same noises in the daytime.

With regard to the second factor, individuals tend to judge the annoyance of an unwanted noise in terms of its relationship to noise from other sources (background noise). A car horn blowing at night when background noise levels are low would generally be more objectionable than one blowing in the afternoon when background noise levels are typically higher. The response to noise stimulus is analogous to the response to turning on an interior light. During the daytime an illuminated bulb simply adds to the ambient light, but when eyes are conditioned to the dark of night, a suddenly illuminated bulb can be temporarily blinding.

The third factor – situational noise – is related to the interference of noise with activities of individuals. In a 60 dB(A) environment such as is commonly found in a large business office, normal conversation would be possible, while sleep might be difficult. Loud noises may easily interrupt activities that require a quiet setting for greater mental concentration or rest; however, the same loud noises may not interrupt activities requiring less mental focus or tranquility.

As shown in **Figure 2**, most individuals are exposed to fairly high noise levels from many sources on a regular basis. To perceive sounds of greatly varying pressure levels, human hearing has a non-linear sensitivity to sound pressure exposure. Doubling the sound pressure results in a three decibel change in the noise level; however, variations of three decibels [3 dB(A)] or less are commonly considered “barely perceptible” to normal human hearing. A five decibel [5 dB(A)] change is more readily noticeable. A ten-fold increase in the sound pressure level correlates to a 10 decibel [10 dB(A)] noise level increase; however, it is judged by most people as only sounding “twice as loud”.

Figure 2: Common Noise Levels



Over time, individuals tend to accept the noises that intrude into their lives on a regular basis. However, exposure to prolonged and/or extremely loud noise(s) can prevent use of exterior and interior spaces and has been theorized to pose health risks.

Traffic Noise Analysis

The Federal Highway Administration (FHWA) has developed the Noise Abatement Criteria (NAC) for determining traffic noise impacts for a variety of land uses in accordance with *Title 23 Code of Federal Regulations (CFR), Part 772 (23 CFR 772): Procedures for Abatement of Highway Traffic Noise and Construction Noise* (July 13, 2010). The NAC, listed in **Table 2** for various activities, represent the upper limit of acceptable traffic noise conditions.

The NAC applies to areas having frequent human use but does not apply to the entire tract of land on which the activity is based, only to that portion where the activity takes place. The NAC is given in terms of the hourly, A-weighted, equivalent sound level in decibels [dB(A)]. The A-weighted sound level is a single number measure of sound intensity with weighted frequency characteristics that correspond to human subjective response to noise. However, since most environmental noise fluctuates from moment to moment, it is common practice to condense all of this information into a single number called the equivalent sound level (Leq). The Leq is the value of a steady sound level that would represent the same sound energy as the actual time-varying sound evaluated over the same time period. Leq is typically evaluated over a one-hour time period and is denoted as Leq(h). The noise impact assessment was made using the criteria listed in **Table 2**.

Table 2. Noise Abatement Criteria

Activity Category	Activity Criteria ¹ Leq(h) ² dB(A)	Evaluation Location	Activity Description
A	57	Exterior	Lands on which serenity and quiet are of extraordinary significance and serve an important public need and where the preservation of those qualities is essential if the area is to continue to serve its intended purpose.
B ³	67	Exterior	Residential
C ³	67	Exterior	Active sport areas, amphitheaters, auditoriums, campgrounds, cemeteries, daycare centers, hospitals, libraries, medical facilities, parks, picnic areas, places of worship, playgrounds, public meeting rooms, public or nonprofit institutional structures, radio studios, recording studios, recreation areas, Section 4(f) sites, schools, television studios, trails, and trail crossings
D	52	Interior	Auditoriums, day care centers, hospitals, libraries, medical facilities, places of worship, public meeting rooms, public or nonprofit institutional structures, radio studios, recording studios, schools, and television studios
E ³	72	Exterior	Hotels, motels, offices, restaurants/bars, and other developed lands, properties or activities not included in A-D or F
F	-	-	Agriculture, airports, bus yards, emergency services, industrial, logging maintenance facilities, manufacturing, mining, rail yards, retail facilities, shipyards, utilities (water resources, water treatment, electrical), and warehousing
G	-	-	Undeveloped lands that are not permitted

1. The Leq(h) Activity Criteria values are for impact determination only and are not design standards for noise abatement measures.
2. The equivalent steady-state sound level which in a stated period of time contains the same acoustic energy as the time-varying sound level during the same time period, with Leq(h) being the hourly value of Leq.
3. Includes undeveloped lands permitted for this activity category.

It is important to note that these criteria do not apply to the Pinehurst Resort property but are offered as a frame of reference for how traffic noise is considered for federally funded projects considering noise impacts to an area.

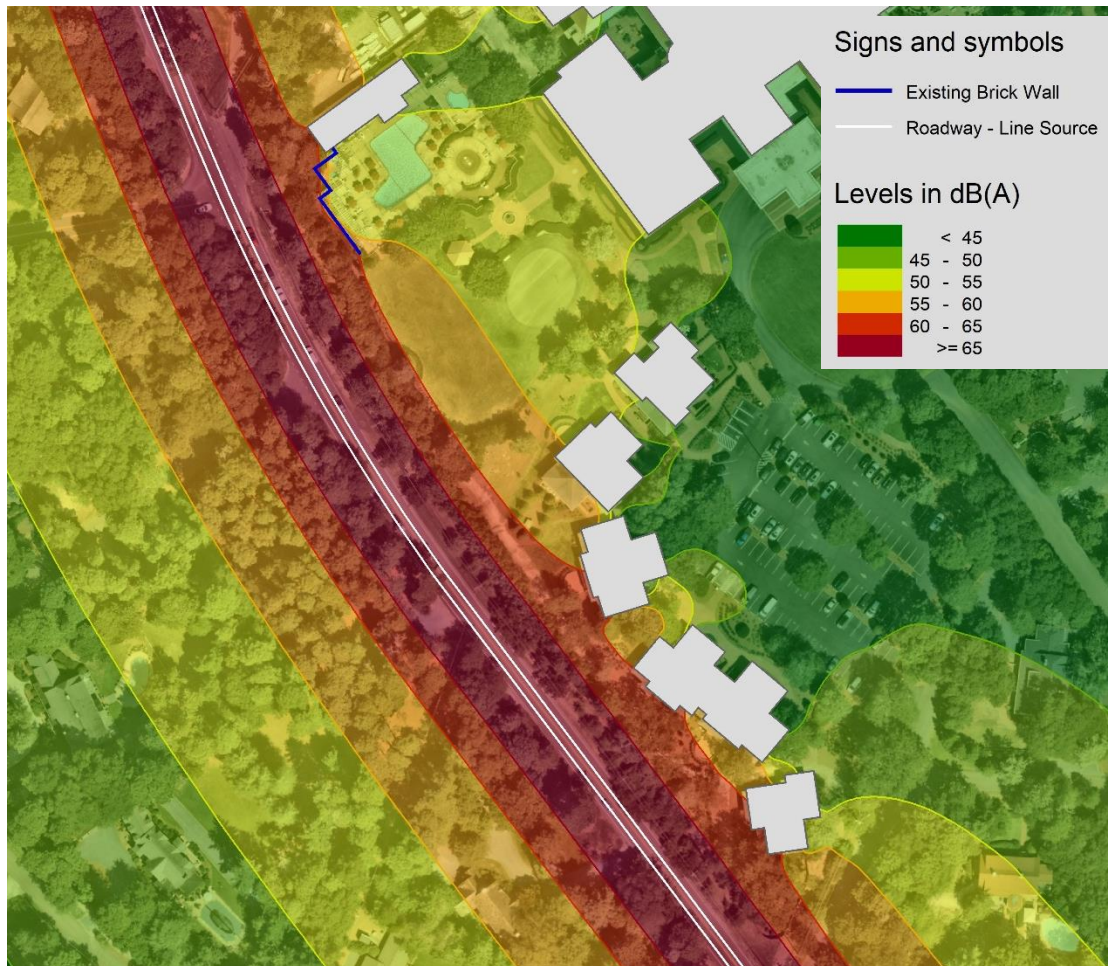
Results

Utilizing traffic data from the North Carolina Department of Transportation (NCDOT) *Annual Average Daily Traffic (AADT) Mapping Application*, as well as general procedures outlined in the NCDOT *Traffic Noise Policy* and *Traffic Noise Manual*, SoundPLAN was used to calculate anticipated peak hour exterior traffic noise levels from Beulah Hill Road at the existing outdoor use areas on the resort property near the roadway. This program computes predicted noise levels at noise-sensitive areas through a series of adjustments to reference sound levels and can also account for topography, groundcover type, and intervening structures.

Traffic noise emission is composed of several variables, including the number, types, and travel speeds of the vehicles, as well as the geometry of the roadway(s) on which the vehicles travel. Traffic noise consists of three primary parts: tire noise, engine noise, and exhaust noise. Of these sources, tire noise is typically the most offensive at unimpeded travel speeds. Traffic noise is not constant; it varies in time depending upon the number, speed, type, and frequency of vehicles that pass by a given receptor. Noise levels tend to be lower when traffic volumes are low (LOS A and B) or when traffic volumes exceed the capacity of the road (LOS D, E, or F). The “worst” traffic noise condition is evaluated as the lesser of the design hourly volume (DHV) or the roadway vehicle capacity Level of Service “C” (LOS C) operating at the design speed. Design hourly volumes along Beulah Hill Road obtained from the NCDOT *Annual Average Daily Traffic (AADT) Mapping Application* were lower than the LOS C capacity volumes; therefore, the DHVs were used in this analysis.

Predicted peak hour exterior traffic noise levels at the nearby outdoor use areas on the resort property ranged from approximately 51 dB(A) to 62 dB(A), depending on the distance from Beulah Hill Road and proximity to existing structures. Note that the predicted peak hour exterior traffic noise levels are anticipated to be near or below the reference impact criteria for residential land uses at the edge of the resort property, according to the limits shown in **Table 2**. However, given the preferred goal of the resort, which is to create a quieter outdoor space for guests, the lower traffic noise impact threshold for lands on which serenity and quiet are needed was used for this analysis. Since the peak hour exterior traffic noise levels at the resort’s outdoor use areas are predicted to exceed the reference impact criteria for land uses requiring serenity and quiet, noise abatement measures were analyzed. The anticipated peak hour traffic noise contours are shown in **Figure 3**.

Figure 3: Predicted Traffic Noise Level Contours



Noise Abatement Measures

Passive noise abatement measures are effective because they absorb sound energy, extend the source-to-receptor sound transmission path, or both. Sound absorption is a function of abatement medium (e.g. earth berms absorb more sound energy than noise walls of the same height because earth berms are more massive). The source-to-receptor path is extended by placement of an obstacle, such as an earth berm or concrete wall, that sufficiently blocks the transmission of sound waves that travel from the source to the receptor.

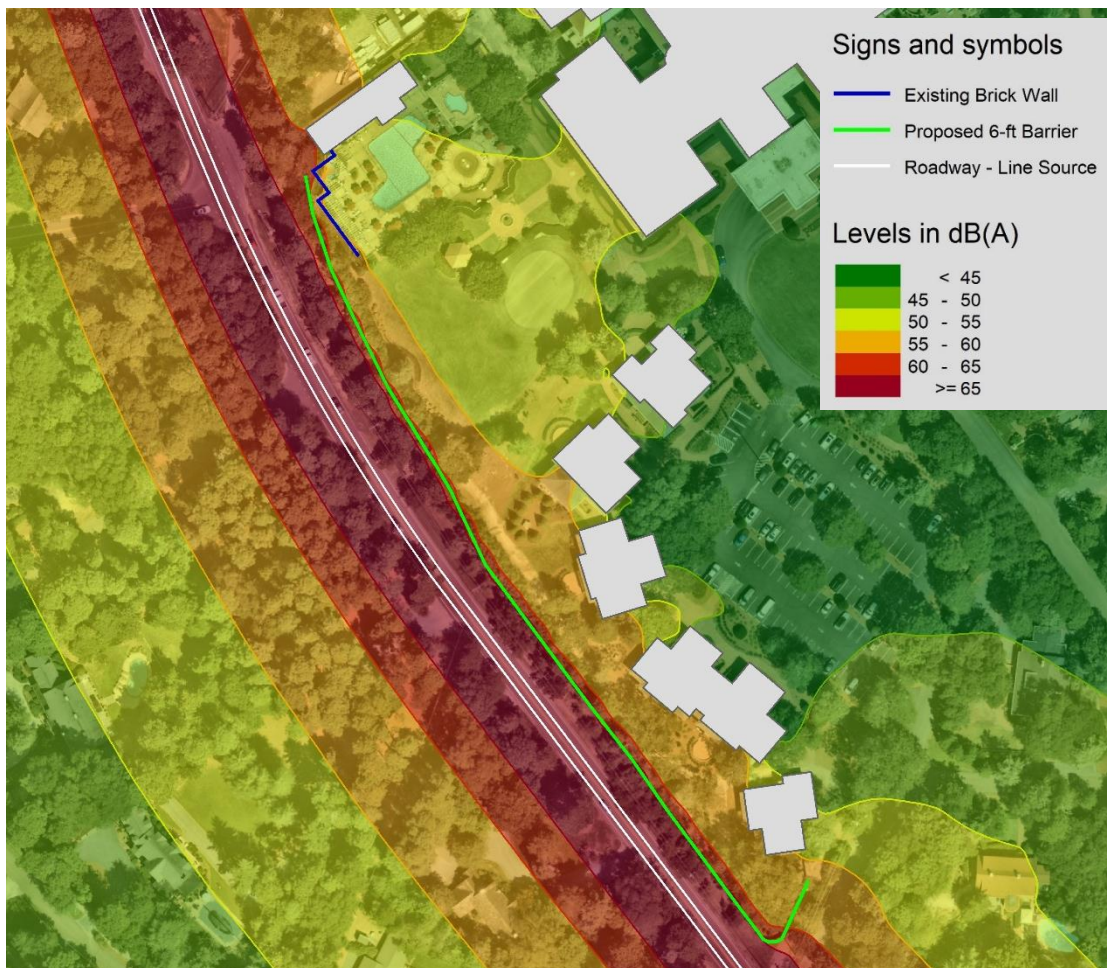
Sound barriers are primarily constructed as solid-mass walls adjacent to sources of noise that are in proximity to noise-sensitive land use(s). To be effective, a sound barrier must be long enough and tall enough to shield potentially impacted areas. Generally, the noise barrier length must be eight times the distance from the barrier to the receptor. For example, if a receptor is 200 feet from the noise

source, an effective barrier would be approximately 1,600 feet long – with the noise-sensitive land use in the horizontal center.

Since peak hour traffic noise levels are predicted to exceed the reference impact criteria at various outdoor activity areas on the resort property, noise abatement was analyzed to reduce anticipated traffic noise levels to be near or below the 57 dB(A) threshold for land uses requiring serenity and quiet.

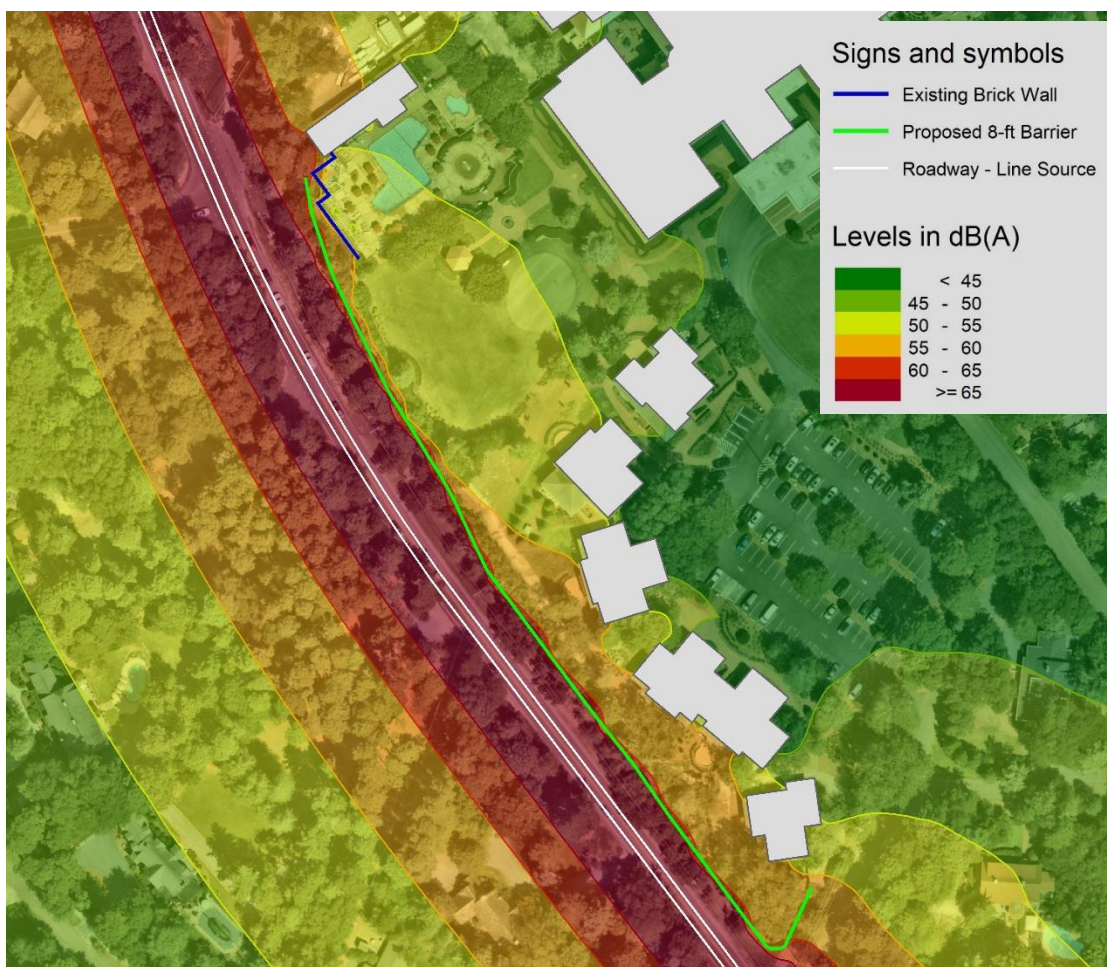
An existing wood slat fence is located along the resort's property and is in need of replacement. Therefore, a 6-foot-tall noise abatement measure was analyzed along the same fence alignment to understand potential reductions that could be achieved with a more robust noise barrier. The 6-foot noise barrier along the existing fence alignment was predicted to reduce traffic noise levels by approximately 1 to 4 dB(A) at various outdoor activity areas. The anticipated traffic noise contours with the 6-foot noise abatement measure along the existing fence alignment are shown in **Figure 4**.

Figure 4: Predicted Traffic Noise Level Contours with 6-foot Barrier Along Existing Fence Line



To further reduce predicted traffic noise levels, an 8-foot-tall noise abatement measure was also analyzed along the existing fence alignment. The 8-foot noise barrier along the existing fence alignment was predicted to reduce traffic noise levels by approximately 1 to 6 dB(A) at various outdoor activity areas, which is anticipated to reduce traffic noise levels to be near or below the reference impact criteria for land uses requiring serenity and quiet. The anticipated traffic noise contours with the 8-foot noise abatement measure along the existing fence alignment are shown in **Figure 5**.

Figure 5: Predicted Traffic Noise Level Contours with 8-foot Barrier Along Existing Fence Line



Lastly, noise abatement measures of the same heights (i.e., 6 feet and 8 feet) were analyzed along the resort property boundary within the existing development setback. The anticipated traffic noise contours with the 6-foot noise abatement measure along the resort property boundary are shown in **Figure 6**, and the anticipated traffic noise contours with the 8-foot noise abatement measure along the resort property boundary are shown in **Figure 7**.

Figure 6: Predicted Traffic Noise Level Contours with 6-foot Barrier Along Property Line

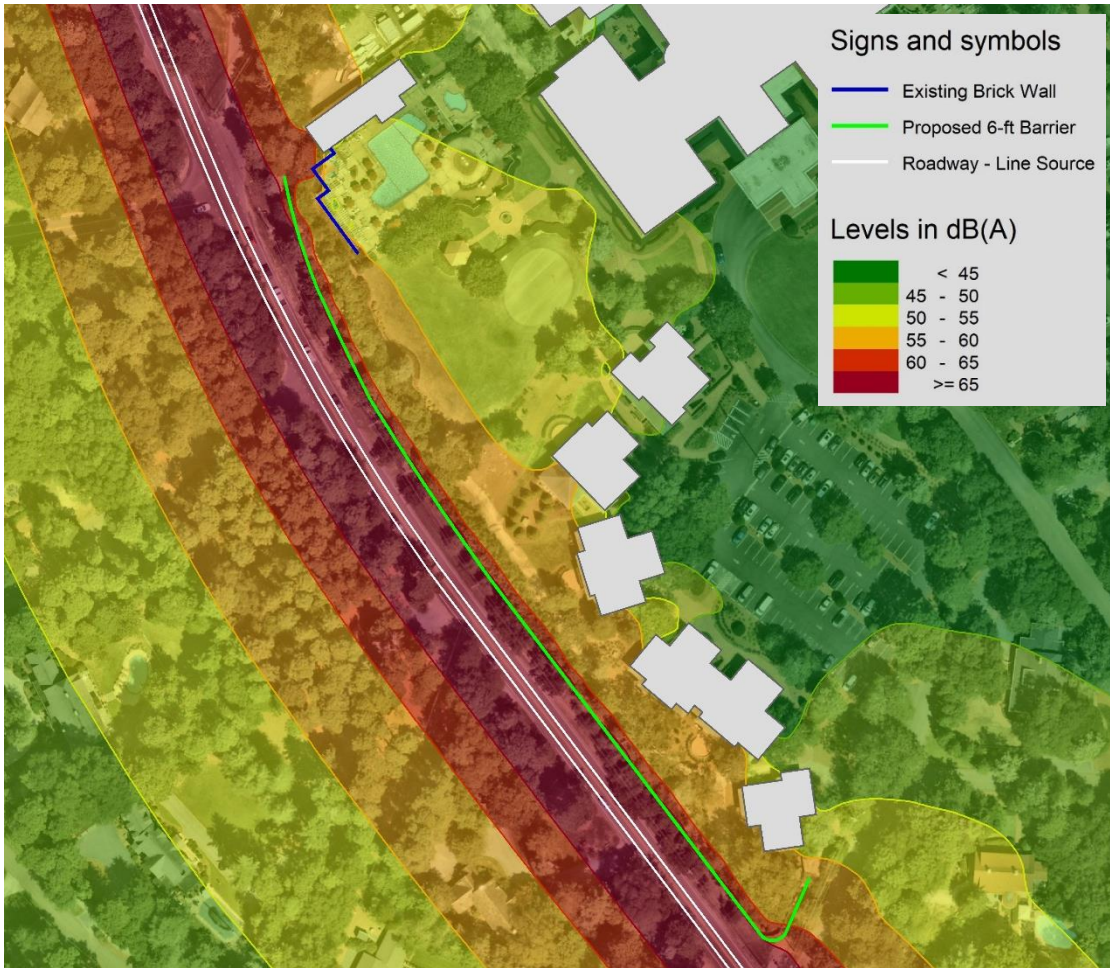
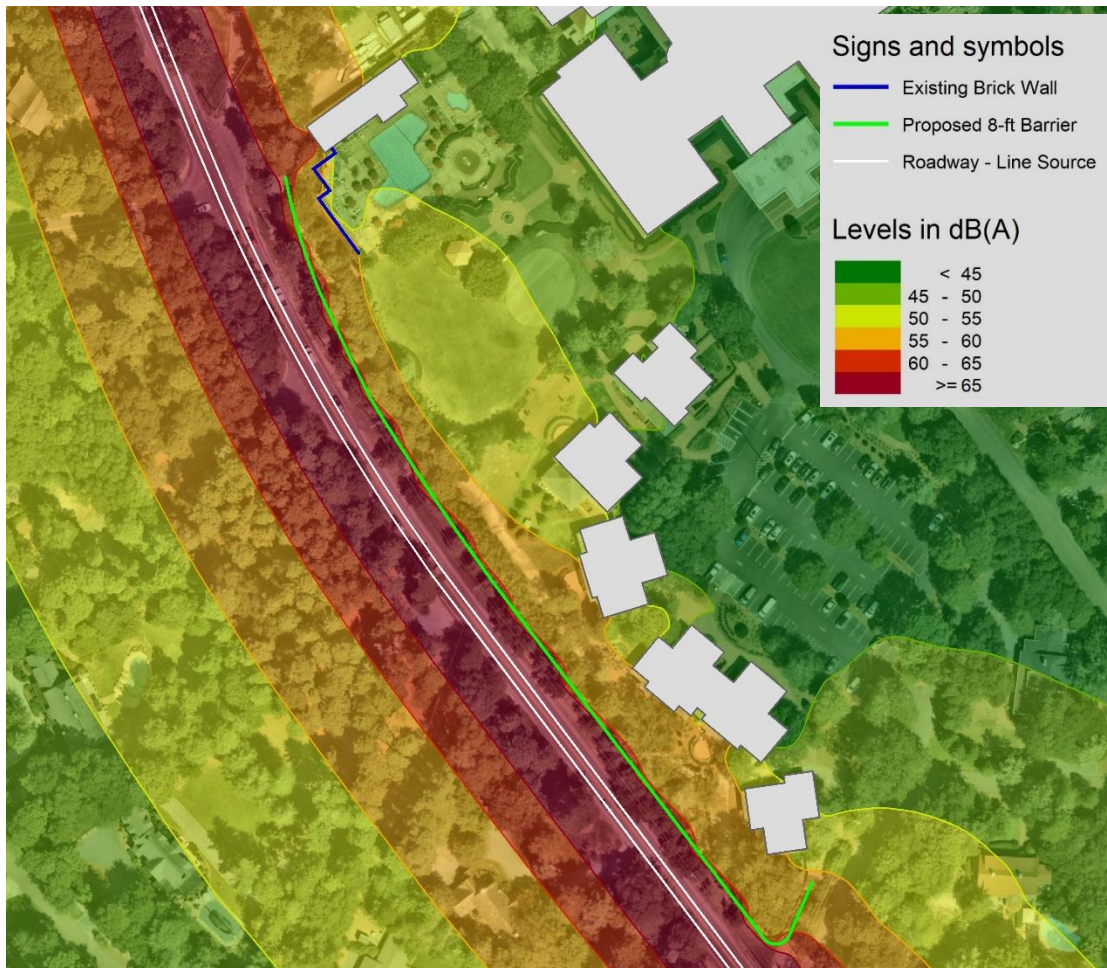


Figure 7: Predicted Traffic Noise Level Contours with 8-foot Barrier Along Property Line



It should be noted that both analyzed alignments (i.e., along the existing fence line and along the resort property boundary) for each of the analyzed heights (i.e., 6 feet and 8 feet) are anticipated to achieve similar reductions in traffic noise levels. However, the 8-foot-tall noise abatement measure along the resort property line is anticipated to achieve the traffic noise level reductions preferred by the resort to create quieter outdoor spaces for its guests.

Conclusions

After modeling and analyzing peak hour traffic noise levels from Beulah Hill Road at the existing outdoor use areas on the resort property near the roadway, it was determined that peak hour traffic noise levels are anticipated to exceed the reference impact criteria for land uses requiring serenity and quiet. An 8-foot-tall noise abatement measure along the resort property line is anticipated to reduce traffic noise levels to be near or below the reference threshold of 57 dB(A).

**PINEHURST RESORT FENCE
SUPPLEMENTAL NARRATIVE**

After completing the noise analysis, per the Board's request, and reviewing the information with the noise consultant, the Resort would like to modify the original narrative and request to reflect the data. Below is a brief description of the noise analysis findings and how they have impacted the variance request. The collected data and the maps generated from the data clearly identify the need for a fence modification. Options and comparisons shown in the study illustrate that the fence will be more effective at reducing noise levels from Highway 5 if it is taller and closer to the roadway. As such, the Resort's request to allow a variance for the fence height and location within the setback area remains.

The analysis also took into account the material of the fence. Based on the findings, the Resort is considering other materials and designs for the fence. Whether the fence ultimately ends up as a wooden fence, masonry fence, another material, or a combination of materials based on the desired location and noise abatement level, the Resort would like the flexibility to work with the Historic District Commission (HDC) on the detailed design. The resort requests that the Board of Adjustment (BOA) consider the location within the setback and fence height for a variance only. Since approval of any fence design is required by the HDC, the applicant would request that the BOA grant the variance for location and height with the ability to work through the fence's design details with the HDC. We appreciate the Board's consideration of this request.

