



**BOARD OF ADJUSTMENT
REGULAR MEETING (ELECTRONIC)
THURSDAY, FEBRUARY 4, 2021
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
IMMEDIATELY FOLLOWING PLANNING & ZONING BOARD**

Board Members Present:

Julia Latham, Chair*
Cyndie Burnett
Jeremy Hooper
David Alzamora

Board Members Absent:

None

Staff Present:

Alex Cameron, 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 6:05 pm and confirmed a quorum was present. *Ms. Latham participated remotely via Zoom meeting platform.

II. Approval of Minutes

A. November 5, 2020 Regular Meeting Minutes

Ms. Burnett moved to approve the minutes of the November 5, 2020 regular meeting minutes. Seconded by Mr. Hooper. Approved by a vote of 4-0.

III. General Business

A. Board Organization and Membership

Mr. Joel Shriberg's term was not renewed by Village Council, leaving a vacancy for a permanent BOA member.

Ms. Burnett moved to nominate Jack Farrell to the Board Adjustment as a permanent member. Seconded by Mr. Alzamora. Approved by a vote of 4-0.

IV. Next Meeting Date

A. Regular Meeting on March 4, 2021 (If the Board has business to conduct)

Senior Planner Alex Cameron stated there would be business before the Board in March.

V. Motion to Adjourn

Mr. Hooper moved to adjourn the meeting. Seconded by Mr. Alzamora. Approved by a vote of 4-0 at 6:10 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.

DRAFT



EXHIBIT D

Variance
Fee: \$500
(Revised 09/2019)

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 contract 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/Home/ShowDocument?id=10100.

Property Address	
Street Address	70 Maple Road
City, State, Zip Code	Pinehurst, NC 28374
Parcel ID #	00018218





EXHIBIT D

Variance
Fee: \$500
(Revised 09/2019)

Owner Information			
Name	Jason Tanner	Home Phone #	
Street Address	Box 1271	Mobile Phone #	831-214-7933
City, State, Zip Code	Aptos, CA 95001	Business Phone #	
Email	tanbear75@sbcglobal.net		

Applicant			
Name	Dan Degre	Other Phone #	
Email	info@steponedesign.com	Street Address	1305 Linden Road
Mobile Phone #	910-639-0910	City, State, Zip Code	Aberdeen, NC

General Information

Legal Basis for Application	☒ Agent or Contract Purchaser Authorized by the Property Owner ☐ Government Agency Proposing to Acquire Land Affected by the Variance ☒ Owner of the Land Affected by the Variance
General Description of Variance Request	
Ordinance Section Reference	9.2a Table of Dimensional Requirements
Ordinance Text (Verbatim)	Use Type R10 Minimum Front Yard Setback(3) 30' Minimum Side Yard Setback (3) 15'

EXHIBIT D



Variance
Fee: \$500
(Revised 09/2019)

Description of unnecessary hardship that would result from the strict application of the ordinance	The hardship results from the current setbacks and zoning being imposed on the house which was constructed prior to the incorporation of the Village. The hardship is that they want to return their home to a useful and historically accurate state by returning the front porch to its original size to have a historic front entry to a historic home. The hardship also comes from the setbacks being imposed on a home built before there was a development ordinance.
Description of how the hardship results from conditions that are peculiar to the property, such as location, size, or topography	If the house were built today, there would be plenty of room to the rear and sides to build without encroaching on setbacks. When the home was built, no one knew the Village was going to exist or restrictions would be imposed.
Description of how the hardship did not result from actions taken by the applicant or the property owner	Property purchased in July, 2020. Survey only done recently. New Owner unaware of set-back when property purchased.
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 intent is to change the front porch to be architecturally and historically correct and to look like it did when the house was constructed 116 years ago. The variance would allow a historic front entry to a historic home which would also be more in congruence within the Historic District. We believe a variance would be in the spirit, purpose and intent of the ordinance and that public safety will be secured and substantial justice achieved by its approval.

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

A handwritten signature in blue ink, appearing to read "D. Deaf".

Date:

1-17-20

EXHIBIT E

10/6/2020

Village of Pinehurst, Board of Adjustment

Greetings Board Members,

I purchased the Idlewilde Cottage in July, 2020. My partner, Rebecca and I both have family in Pinehurst and Southern Pines. We've always been enchanted with the homes in the Historic District of Pinehurst and stumbled across 70 Maple Road. We fell in love with the property and have a vision of restoring the home to its original glory to enjoy with family and friends.

We visited the Tufts Archives to learn about the Village of Pinehurst and more about our little piece of history within it. We were fascinated to see a photograph, circa the 1920s, of children posing on the front porch of the cottage. When Idlewilde Cottage was built there was no incorporation of the Village of Pinehurst and with that no set-backs or development ordinance. We also learned that the Planning Department which housed the original plans had burned down so we felt fortunate to find one photograph documenting the home.

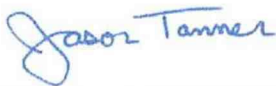
What we also noticed in the photograph was that the original porch was visibly much larger both depth towards the street and width. The original concrete slab to the porch can be seen going right up to the bottom of the door frame. In the current condition there is approximately a 6" gap. Over the past 114 years, the porch has been greatly reduced in size from its original condition when built.

Currently in the state it is in now, it does not allow for more than one person to sit on it at a time and does not reflect the original entry and porch of this historic home nor does it reflect well in the neighborhood.

We respect the current building parameters set forth by The Village and by no means are looking to over build or change the character of our home. On the contrary, we want to change our cottage back to its original form and restoring it to its past glory. The plans that we have submitted will allow the front porch/entry way to be returned to its original, historical form, as evidenced by the photo submitted as obtained from the Tufts Archives as well as returning the porch to a more useable, enjoyable and attractive space.

We hope that the proposed alterations will help ensure that the Idlewilde Cottage will be apart of our family for generations to come. Thank you so much for your consideration. We love our new home in Pinehurst and can't wait for the opportunity to call it our permanent home.

Respectfully Submitted,



Jason Tanner

EXHIBIT F

Maximum Residential Density (DWQ)	-	-	-	-	-	-	-	6 units per acre	-	-	8 units per acre	-	-
-----------------------------------	---	---	---	---	---	---	---	------------------	---	---	------------------	---	---

[illegible]

EXHIBIT F

[illegible]

REFERENCE: DEED BOOK 835, PAGE 444,
MAP BOOK 1, PAGE 64,
MOORE COUNTY REGISTRY.

EXHIBIT G

THIS MAP IS NOT INTENDED TO BE RECORDED IN
ACCORDANCE WITH G.S. 47-30 AS AMENDED.

LRK #00018218

AREA DETERMINED BY COORDINATE METHOD.

RATIO OF PRECISION = 1/7,500+

ZONING: R10 - RESIDENTIAL

LEGEND

- EXISTING IRON PIPE (EIP)
- EXISTING IRON ROD (EIR)
- NEW IRON ROD (NIR)
- COMPUTED POINT (CP)
- EXISTING CONCRETE MONUMENT (ECM)
- EXISTING PK NAIL (EPK)

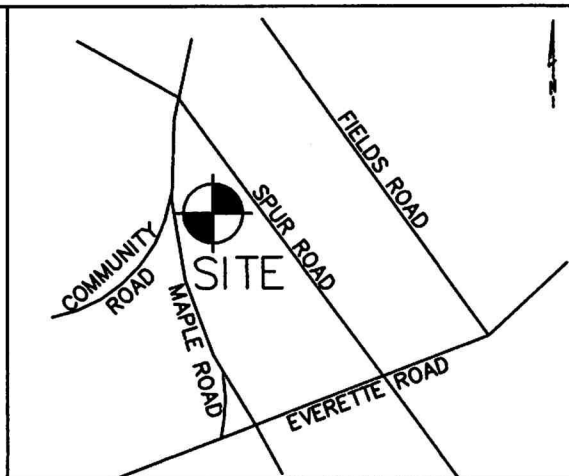
⊕ POWER POLE

BLDG. SETBACKS:

FRONT = 30'

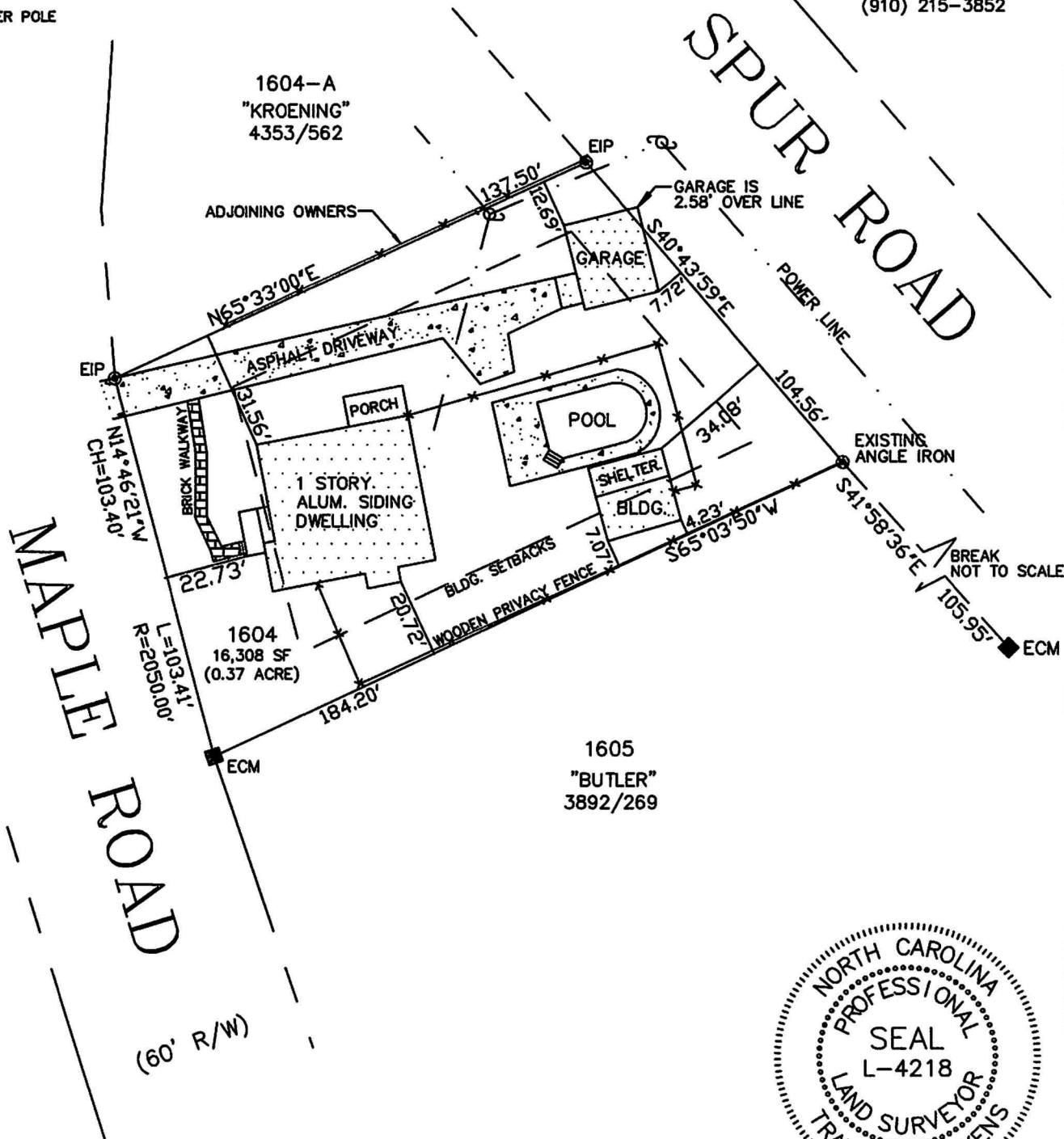
SIDE = 15'

REAR = 25'



LOCATION MAP (NTS)

SURVEYORS ADDRESS:
TRAVIS L. NICKENS
159 NICKENS ROAD
CAMERON, NC 28326
(910) 215-3852

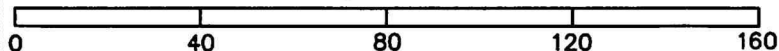


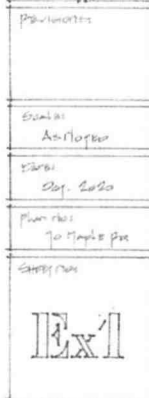
SURVEY FOR
JASON TANNER

LOT NO. 1604, OLD TOWN PINEHURST,
MINERAL SPRINGS TOWNSHIP, MOORE COUNTY,
PINEHURST, NORTH CAROLINA

SEPTEMBER 13, 2020

SCALE 1" = 40'

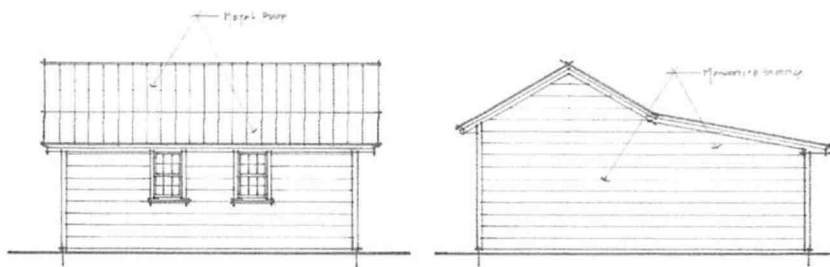




Hand-drawn architectural sketches of a barn. The left sketch shows a side elevation with a gabled roof, a small porch on the left, and double doors on the right. The right sketch shows a front elevation with a flat roof and a single window. Labels include 'Gable end', 'Porch', 'Double doors', 'Front elevation', and 'Side elevation'.

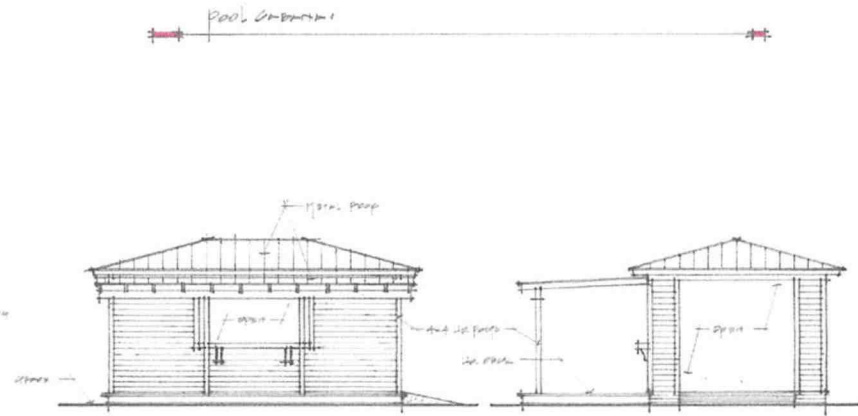
Spontaneous
combustion

Prüfung: 5.03.2020



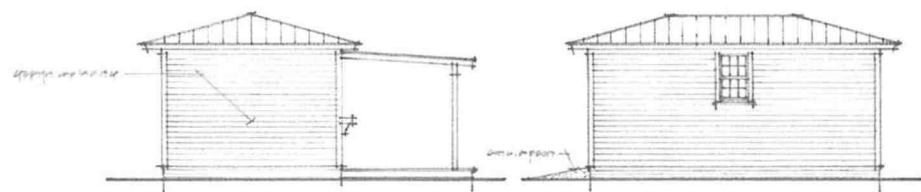
Page 8: Report

Lapp G108 Blauwation
 4000: 1000/1000



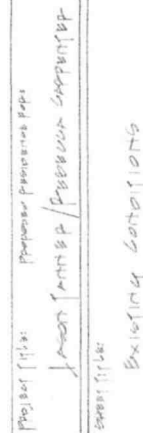


Project S.O.B. Boulevard
Gumball 1470142



Upper and lower bounds
combinatorial

Diagram illustrating the separation of a mixture into two fractions, labeled "Fraction 1" and "Fraction 2".



Penetration:

Scale:
As before

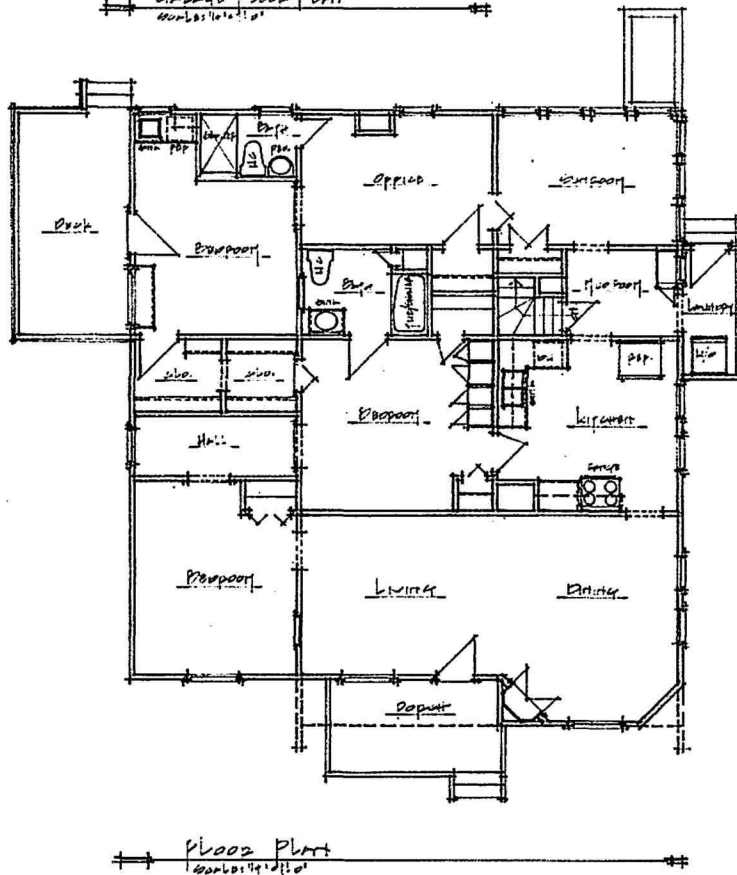
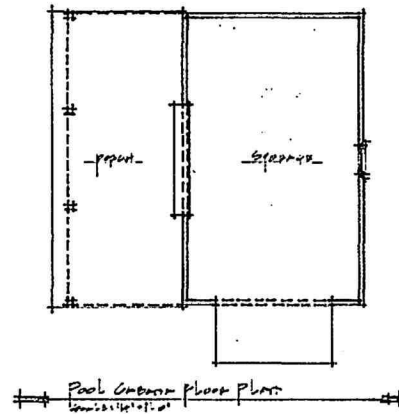
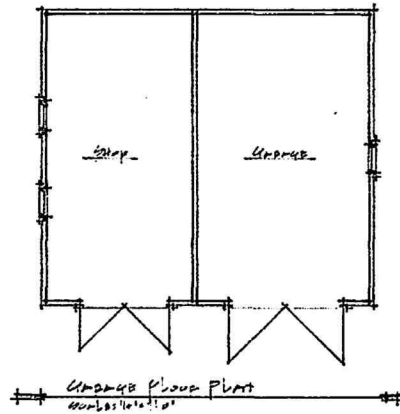
12531
Sep. 2020

Plum trees
70 Maple per

Estimate row	
--------------	--

Ex 2

EXHIBIT J



Garage Plan:

1st Floor	1500 sq. ft.
2nd Floor	800 sq. ft.
3rd Floor	1700 sq. ft.
4th Floor	800 sq. ft.
5th Floor	1500 sq. ft.
6th Floor	800 sq. ft.

STEP-ONE
90-25-9056
Minneapolis, MN 55412

Project Title: *Residential Remodeling*

Client: *JASON JAMES / PETERA CAPPITZER*

Architect: *STEP-ONE*

Existing Conditions

Notes:

Scale: *As Shown*

Notes: *See 2000*

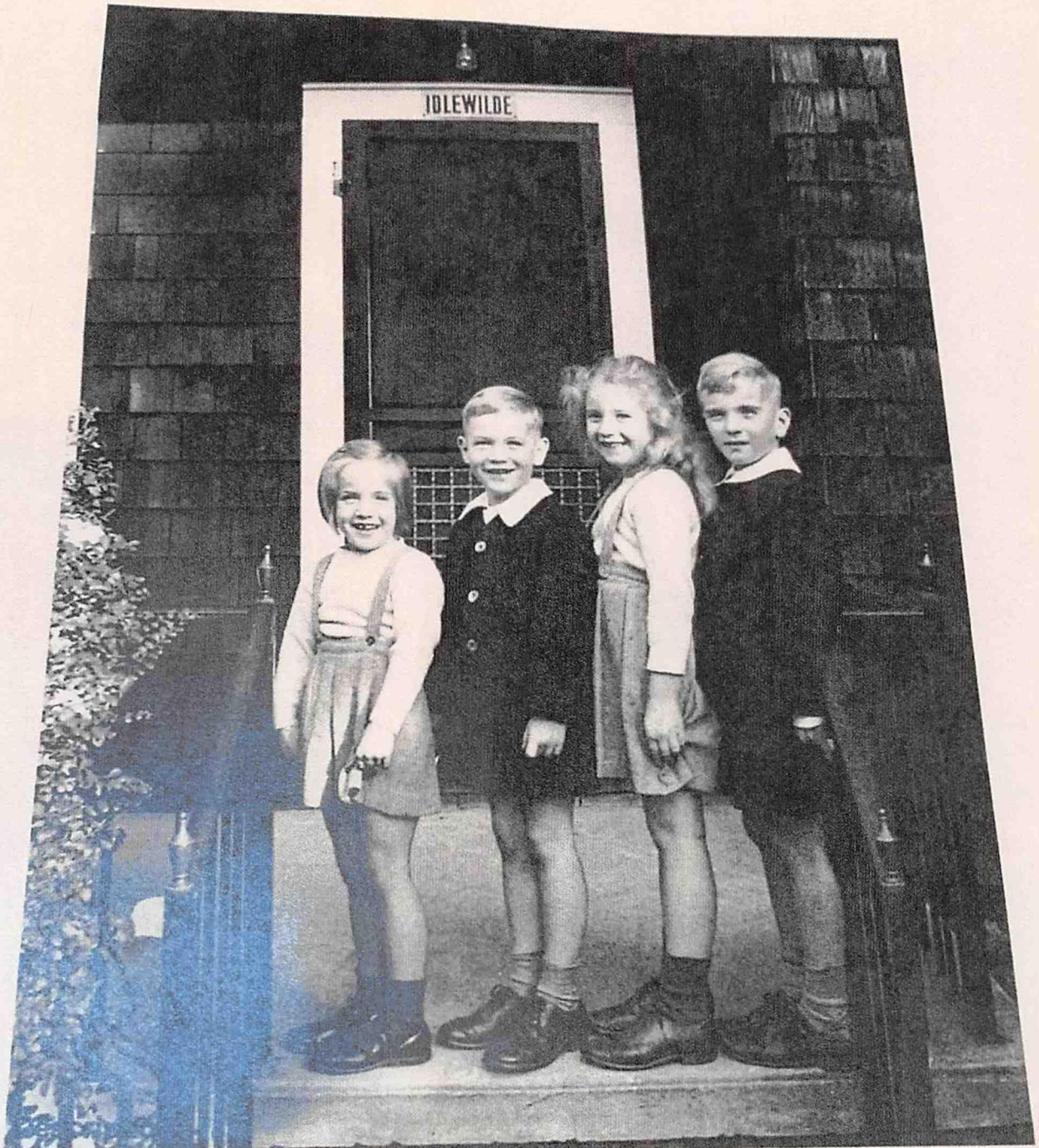
Plan Title: *1st Floor Plan*

Sheet No: *Ex 3*

EXHIBIT K

P048955 Negative, Film

Tutts Arch



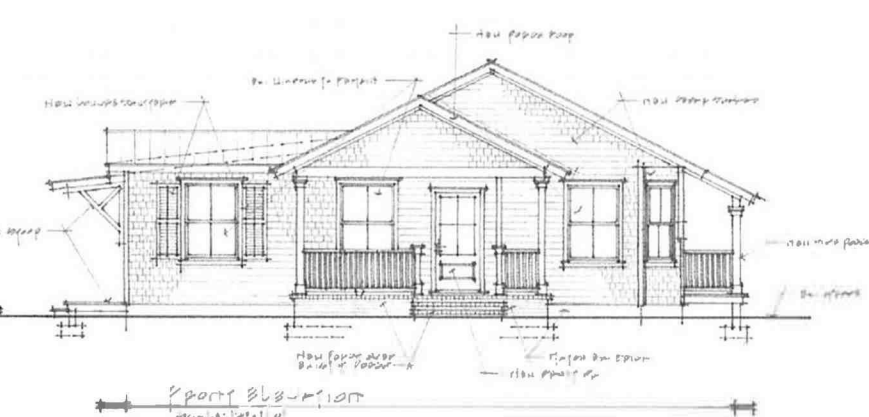
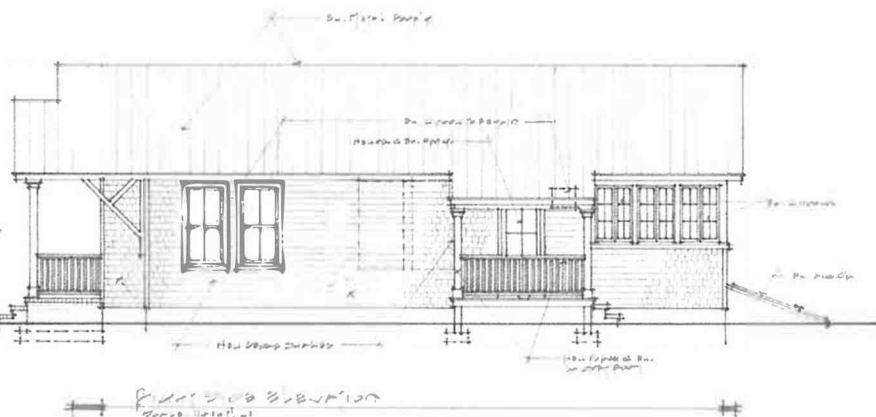
Name - Lived in Idelwilde Cottage

Negative Number

Home Location

HEM 2243.02

STEP-ONE
DISTRIBUTORS
910-235-9056
Pinehurst



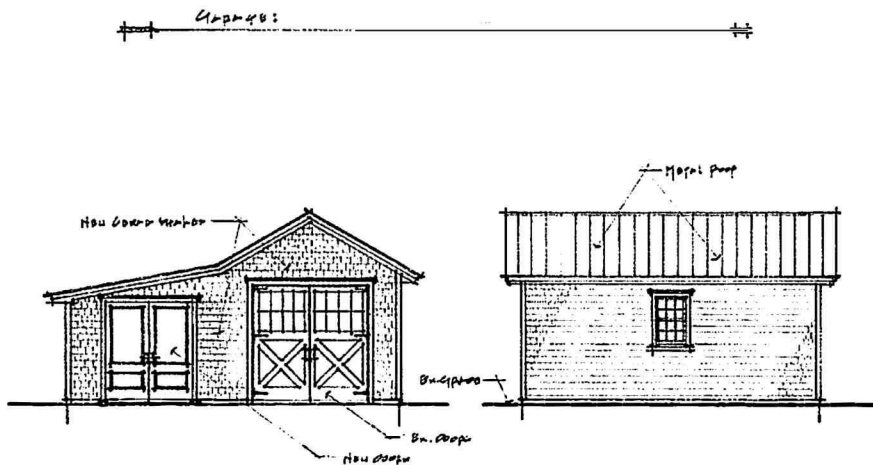
1900
 1901
 1902
 1903
 1904
 1905
 1906
 1907
 1908
 1909
 1910
 1911
 1912
 1913
 1914
 1915
 1916
 1917
 1918
 1919
 1920
 1921
 1922
 1923
 1924
 1925
 1926
 1927
 1928
 1929
 1930
 1931
 1932
 1933
 1934
 1935
 1936
 1937
 1938
 1939
 1940
 1941
 1942
 1943
 1944
 1945
 1946
 1947
 1948
 1949
 1950
 1951
 1952
 1953
 1954
 1955
 1956
 1957
 1958
 1959
 1960
 1961
 1962
 1963
 1964
 1965
 1966
 1967
 1968
 1969
 1970
 1971
 1972
 1973
 1974
 1975
 1976
 1977
 1978
 1979
 1980
 1981
 1982
 1983
 1984
 1985
 1986
 1987
 1988
 1989
 1990
 1991
 1992
 1993
 1994
 1995
 1996
 1997
 1998
 1999
 2000
 2001
 2002
 2003
 2004
 2005
 2006
 2007
 2008
 2009
 2010
 2011
 2012
 2013
 2014
 2015
 2016
 2017
 2018
 2019
 2020
 2021
 2022
 2023
 2024
 2025
 2026
 2027
 2028
 2029
 2030
 2031
 2032
 2033
 2034
 2035
 2036
 2037
 2038
 2039
 2040
 2041
 2042
 2043
 2044
 2045
 2046
 2047
 2048
 2049
 2050
 2051
 2052
 2053
 2054
 2055
 2056
 2057
 2058
 2059
 2060
 2061
 2062
 2063
 2064
 2065
 2066
 2067
 2068
 2069
 2070
 2071
 2072
 2073
 2074
 2075
 2076
 2077
 2078
 2079
 2080
 2081
 2082
 2083
 2084
 2085
 2086
 2087
 2088
 2089
 2090
 2091
 2092
 2093
 2094
 2095
 2096
 2097
 2098
 2099
 2100
 2101
 2102
 2103
 2104
 2105
 2106
 2107
 2108
 2109
 2110
 2111
 2112
 2113
 2114
 2115
 2116
 2117
 2118
 2119
 2120
 2121
 2122
 2123
 2124
 2125
 2126
 2127
 2128
 2129
 2130
 2131
 2132
 2133
 2134
 2135
 2136
 2137
 2138
 2139
 2140
 2141
 2142
 2143
 2144
 2145
 2146
 2147
 2148
 2149
 2150
 2151
 2152
 2153
 2154
 2155
 2156
 2157
 2158
 2159
 2160
 2161
 2162
 2163
 2164
 2165
 2166
 2167
 2168
 2169
 2170
 2171
 2172
 2173
 2174
 2175
 2176
 2177
 2178
 2179
 2180
 2181
 2182
 2183
 2184
 2185
 2186
 2187
 2188
 2189
 2190
 2191
 2192
 2193
 2194
 2195
 2196
 2197
 2198
 2199
 2200
 2201
 2202
 2203
 2204
 2205
 2206
 2207
 2208
 2209
 2210
 2211
 2212
 2213
 2214
 2215
 2216
 2217
 2218
 2219
 2220
 2221
 2222
 2223
 2224
 2225
 2226
 2227
 2228
 2229
 2230
 2231
 2232
 2233
 2234
 2235
 2236
 2237
 2238
 2239
 2240
 2241
 2242
 2243
 2244
 2245
 2246
 2247
 2248
 2249
 2250
 2251
 2252
 2253
 2254
 2255
 2256
 2257
 2258
 2259
 2260
 2261
 2262
 2263
 2264
 2265
 2266
 2267
 2268
 2269
 2270
 2271
 2272
 2273
 2274
 2275
 2276
 2277
 2278
 2279
 2280
 2281
 2282
 2283
 2284
 2285
 2286
 2287
 2288
 2289
 2290
 2291
 2292
 2293
 2294
 2295
 2296
 2297
 2298
 2299
 2300
 2301
 2302
 2303
 2304
 2305
 2306
 2307
 2308
 2309
 2310
 2311
 2312
 2313
 2314
 2315
 2316
 2317
 2318
 2319
 2320
 2321
 2322
 2323
 2324
 2325
 2326
 2327
 2328
 2329
 2330
 2331
 2332
 2333
 2334
 2335
 2336
 2337
 2338
 2339
 2340
 2341
 2342
 2343
 2344
 2345
 2346
 2347
 2348
 2349
 2350
 2351
 2352
 2353
 2354

Power

1201	As Huger
1202	Prof. Rabe
1203	Prof. Rabe
1204	Prof. Rabe
1205	Prof. Rabe
1206	Prof. Rabe
1207	Prof. Rabe
1208	Prof. Rabe
1209	Prof. Rabe
1210	Prof. Rabe
1211	Prof. Rabe
1212	Prof. Rabe
1213	Prof. Rabe
1214	Prof. Rabe
1215	Prof. Rabe
1216	Prof. Rabe
1217	Prof. Rabe
1218	Prof. Rabe
1219	Prof. Rabe
1220	Prof. Rabe
1221	Prof. Rabe
1222	Prof. Rabe
1223	Prof. Rabe
1224	Prof. Rabe
1225	Prof. Rabe
1226	Prof. Rabe
1227	Prof. Rabe
1228	Prof. Rabe
1229	Prof. Rabe
1230	Prof. Rabe
1231	Prof. Rabe
1232	Prof. Rabe
1233	Prof. Rabe
1234	Prof. Rabe
1235	Prof. Rabe
1236	Prof. Rabe
1237	Prof. Rabe
1238	Prof. Rabe
1239	Prof. Rabe
1240	Prof. Rabe
1241	Prof. Rabe
1242	Prof. Rabe
1243	Prof. Rabe
1244	Prof. Rabe
1245	Prof. Rabe
1246	Prof. Rabe
1247	Prof. Rabe
1248	Prof. Rabe
1249	Prof. Rabe
1250	Prof. Rabe
1251	Prof. Rabe
1252	Prof. Rabe
1253	Prof. Rabe
1254	Prof. Rabe
1255	Prof. Rabe
1256	Prof. Rabe
1257	Prof. Rabe
1258	Prof. Rabe
1259	Prof. Rabe
1260	Prof. Rabe
1261	Prof. Rabe
1262	Prof. Rabe
1263	Prof. Rabe
1264	Prof. Rabe
1265	Prof. Rabe
1266	Prof. Rabe
1267	Prof. Rabe
1268	Prof. Rabe
1269	Prof. Rabe
1270	Prof. Rabe
1271	Prof. Rabe
1272	Prof. Rabe
1273	Prof. Rabe
1274	Prof. Rabe
1275	Prof. Rabe
1276	Prof. Rabe
1277	Prof. Rabe
1278	Prof. Rabe
1279	Prof. Rabe
1280	Prof. Rabe
1281	Prof. Rabe
1282	Prof. Rabe
1283	Prof. Rabe
1284	Prof. Rabe
1285	Prof. Rabe
1286	Prof. Rabe
1287	Prof. Rabe
1288	Prof. Rabe
1289	Prof. Rabe
1290	Prof. Rabe
1291	Prof. Rabe
1292	Prof. Rabe
1293	Prof. Rabe
1294	Prof. Rabe
1295	Prof. Rabe
1296	Prof. Rabe
1297	Prof. Rabe
1298	Prof. Rabe
1299	Prof. Rabe
1300	Prof. Rabe

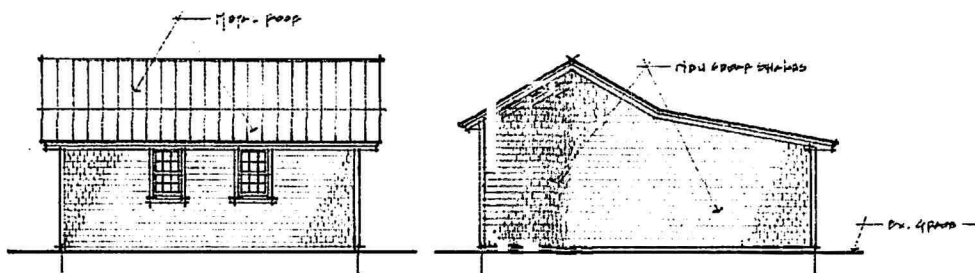
A1

EXHIBIT M



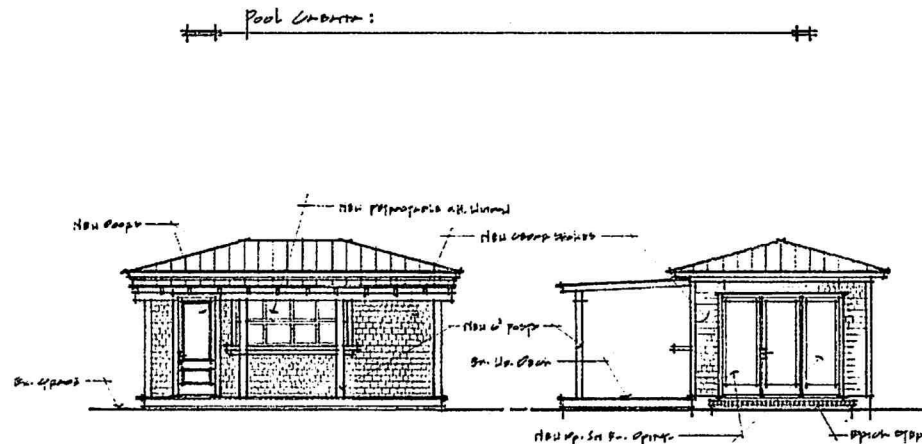
Port B - Export
Date: 1/1/02

Plot Slope Equation



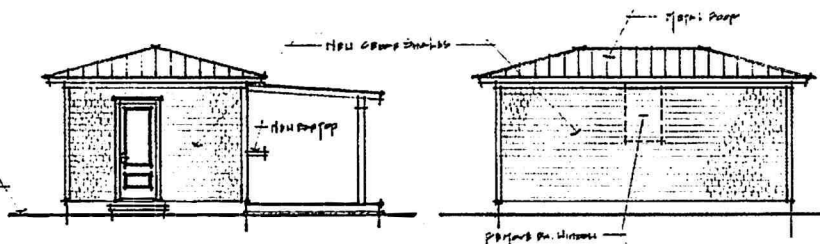

 Pump Elevation
 couple: 11.10.2011

LAP SIDE VIBRATION



POINT ELEVATION

RIGHT SIDE ELAVATION



Left Side Elevation

Peak Elevation

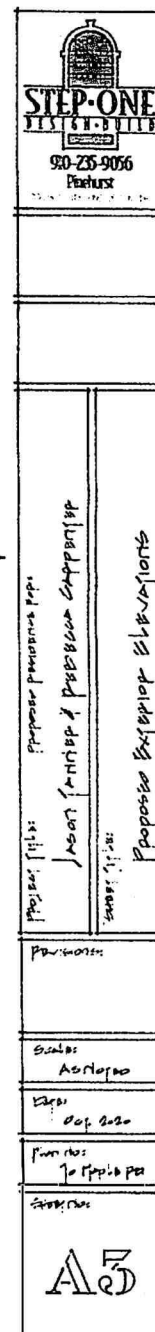
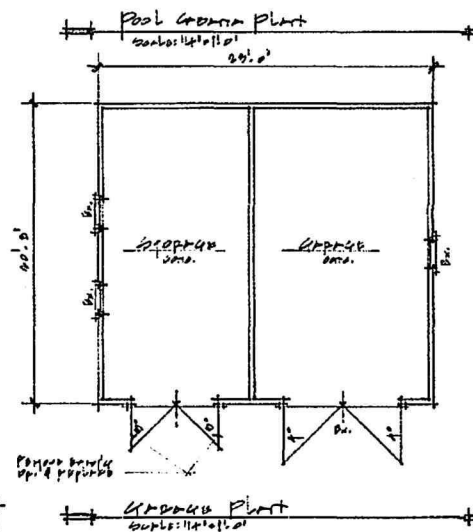
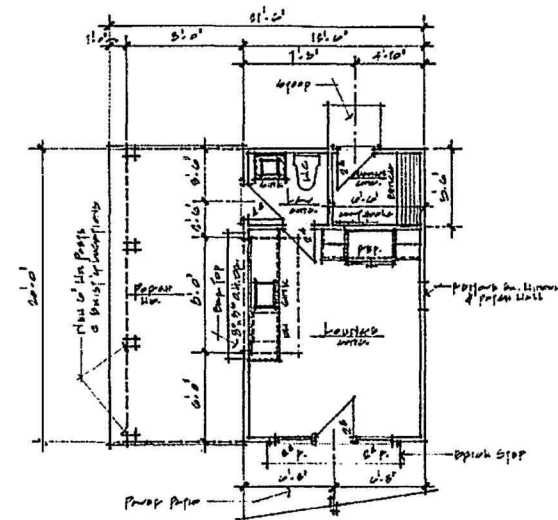
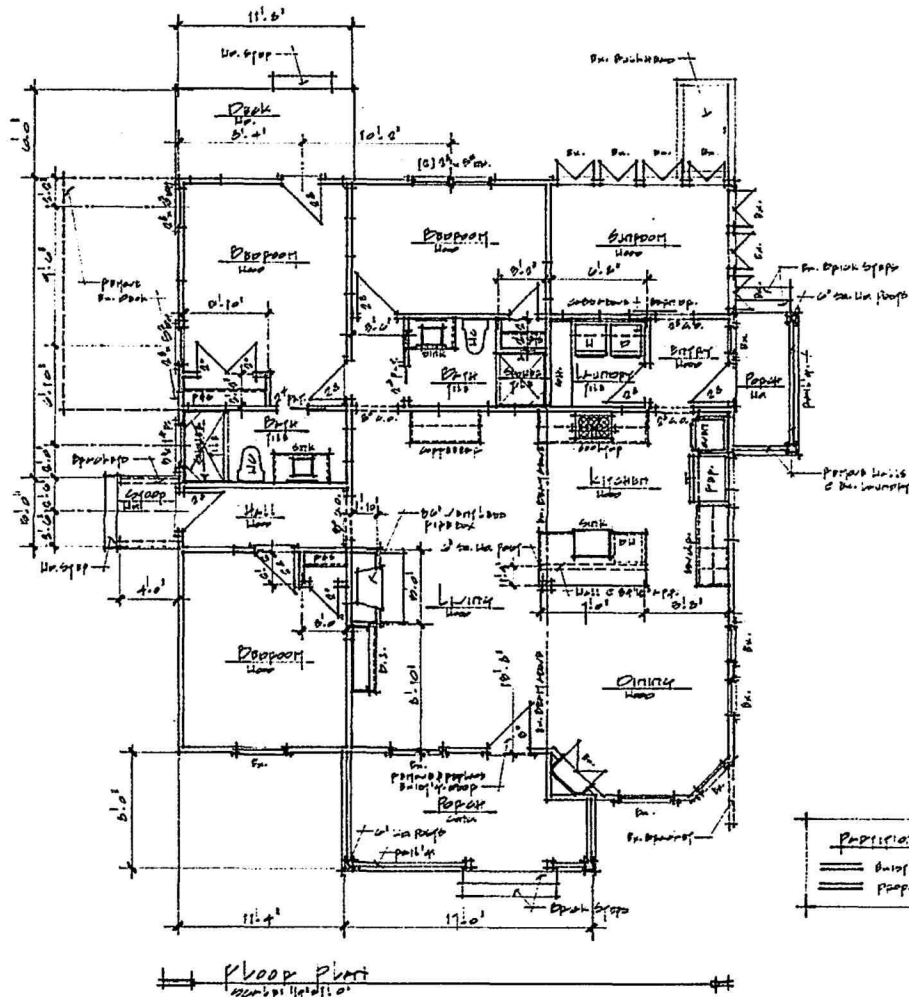


EXHIBIT N





STEP-ONE
90-25-9056
Portland

Project Title: PROPOSED CHURCH
 Location: JASON TOWN & PULASKI CARPENTRY
 Survey: 11-1-82

Proposed Floor Plans

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

Drawn: 10-1-82

Sheet: A2



PLANNING AND INSPECTIONS DEPARTMENT STAFF REPORT

To: Zoning Board of Adjustment
From: Peter Hughes, Senior Planner
CC: Darryn Burich, Planning and Inspections Director
Alex Cameron, Senior Planner
Kelly Brown, Administrative Specialist
Date: February 25, 2021
Subject: **Variance Request for 70 Maple Road**

Applicant:	Dan Degre
Owners:	Jason Tanner
Property Location:	70 Maple Road
Parcel Size:	16,308 square feet or 0.37 acres
PID#	00018218
Zoning:	R-10 (High Density Residential)
Zoning Overlay:	Historic District
Front Yard Setback:	30 Feet
Proposed Setback:	± 22.73 Feet
Current Land Use:	Single Family Residential
Proposed Land Use:	Single Family Residential

Request and Background:

This request is to vary the 30 foot minimum front yard setback from the property line in the R-10 Zoning District. The western property line is the lot line subject to this request and would be considered the front yard for the subject property. The applicant is proposing a ± 22.73 foot setback from the front property line, in order to accommodate a proposed front porch expansion.

The subject property is Lot number 1604 on the plan entitled “*Map of the Land of Leonard Tufts*” dated November 6, 1913. This property is approximately 0.37 acres or 16,308 square feet, which is more than the minimum 10,000 square foot lot size of the R-10 Zoning District. An existing single family home is located on site and is approximately 1,542 square feet. According to the 1996 Village of Pinehurst National Historic Landmark Survey, 70 Maple Road was constructed circa 1915. Tax records indicate that the property was purchased by the current owner, Jason Tanner, in July of 2020. The subject property

is located within the Historic Preservation Overlay District and is immediately surrounded mainly by single family residences zoned R-10. For specific zoning of adjacent properties, refer to the attached map and the table below. Most of the existing residences appear to have been built anywhere between the mid-1910s and late 1990's.

Adjacent Property Zoning and Land Use – 70 Maple Variance Request			
Address	Year Built	Zoning	Existing Land Use
70 Maple Road	1915	R-10	Single Family
80 Maple Road	1970	R-10	Single Family
115 Fields Road	1997	R-10	Single Family
105 Fields Road	Vacant	R-10	Vacant (HPC Approved a Proposed Single Family in 2020)
50 Maple Road	1922	R-10	Single Family
80 Community Road	1916	MF	Single Family
85 Community Road	1920	VCP	Single Family
95 Community Road	1916	VCP	Multi-Family

Currently, the front of the home is nonconforming to the minimum front yard setback and encroaches approximately 4 feet into the setback. This request would allow for an additional $\pm$ 4 foot encroachment to allow for a front porch expansion.

The property also has a detached garage in the rear yard along Spur Road (which functions as an alley) and an additional accessory building located in the rear yard adjacent to the pool. According to Moore County tax records, the detached garage was constructed in 1940 and is approximately 483 square feet and the accessory structure was constructed in 1950 and is approximately 450 square feet. Both of these structures are also considered nonconformities, as neither meet the setback requirements for accessory structures. The accessory building setback requirement in R-10 is 10 feet off the rear and side property lines. The existing garage is $\pm$ 2.58 feet over the rear property line and the accessory building is 4.23 feet off the side property line, based on the provided survey (Exhibit G).

The home is referred to as “Idlewilde” and is listed as a contributing structure with the National Historic Landmark designation. The property is also within the Local Historic District. Any proposed exterior revisions to the structures and site would require a Certificate of Appropriateness (COA) and need to be reviewed by the Historic Preservation Commission (HPC) or staff.

Along with this report (Exhibit A) staff has included the following labeled exhibits for review and consideration of the Board:

- Exhibit B – Original Subdivision Plat
- Exhibit C – Applicant’s Consent for Electronic Meeting

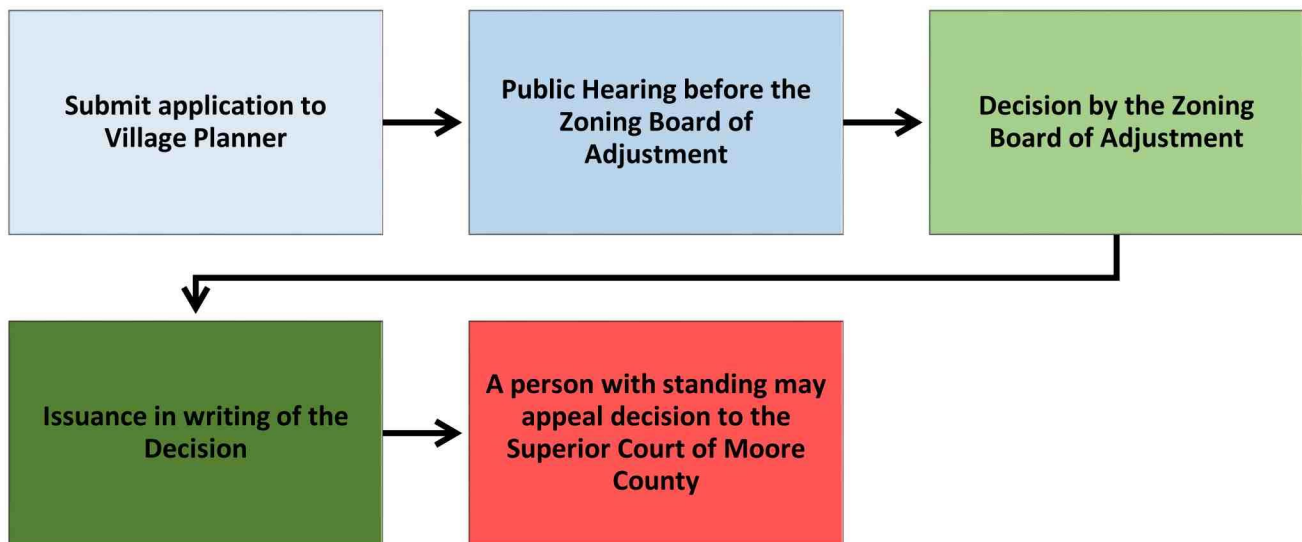
The applicant has submitted the following labeled exhibits for review and consideration by the Zoning Board of Adjustment:

- Exhibit D – Application for Variance
- Exhibit E – Applicant’s Letter to the Board
- Exhibit F – 9.2 Dimensional Table from Pinehurst PDO
- Exhibit G – 70 Maple Survey
- Exhibit H – 70 Maple Existing Primary Structure Elevations
- Exhibit I – 70 Maple Existing Accessory Structure Elevations
- Exhibit J – 70 Maple Existing Floor Plan
- Exhibit K – 70 Maple Historic Photo of Original Front Porch
- Exhibit L – 70 Maple Proposed Primary Structure Elevations
- Exhibit M – 70 Maple Proposed Accessory Structure Elevations
- Exhibit N – 70 Maple Road Proposed Floor Plan

Variance and Evidentiary Hearing 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.

Requests for variances are quasi-judicial decisions of the Board and therefore require an evidentiary hearing. 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 limits 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. The applicant and other witnesses will be sworn in and can provide factual testimony to the Board on the application. 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.



Action by the Zoning Board of Adjustment:

In considering the application, the Zoning Board of Adjustment shall hold a public hearing. The Board will 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 report along with its attachments and material submitted by the applicant shall also be included as submitted evidence and made part of the record.

Standards of Review

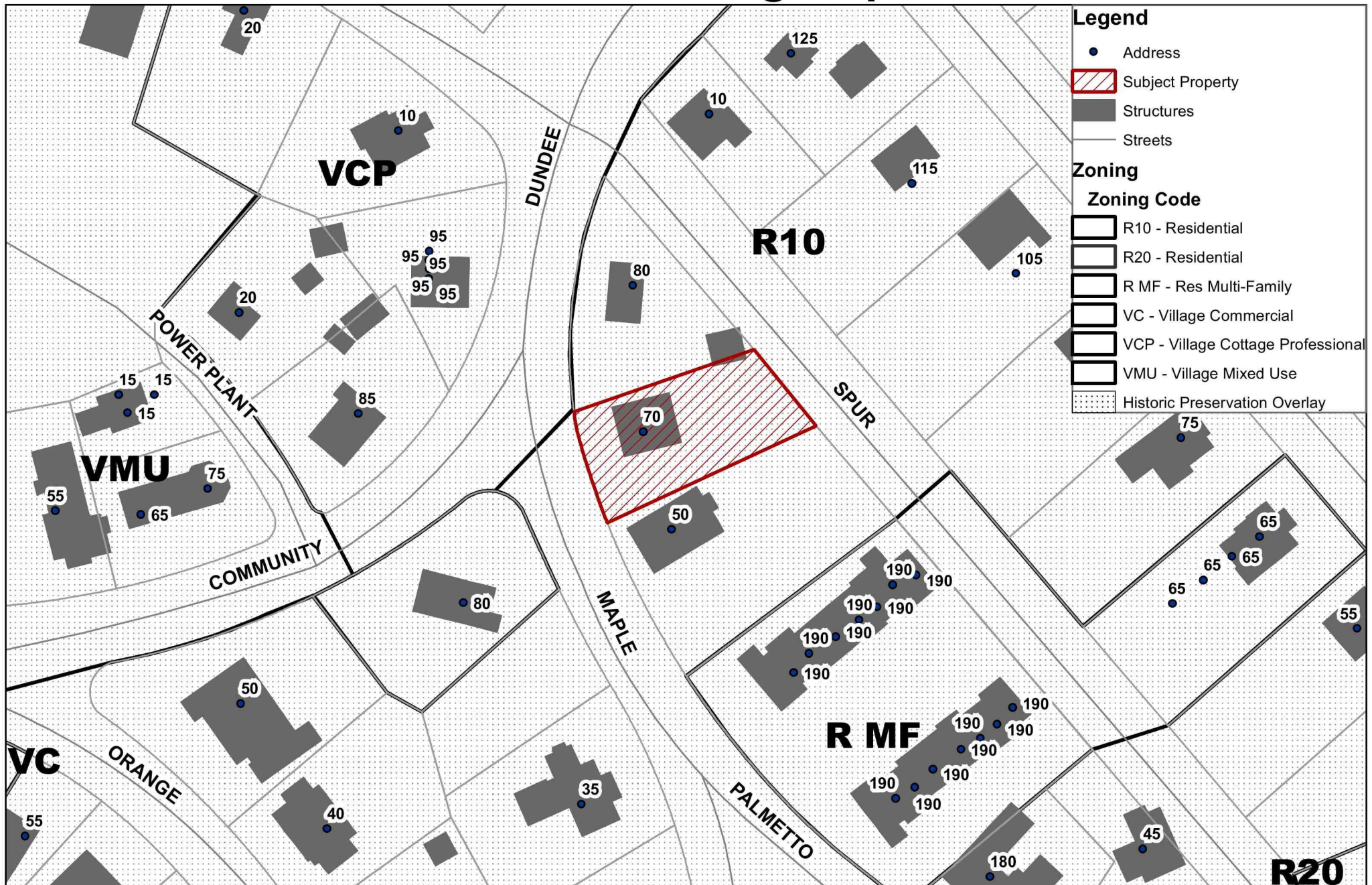
The Zoning Board of Adjustment shall not grant a variance unless and until it makes the following findings:

- (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 to Staff Report (Exhibit A)

- Area Zoning Map
- Aerial Map
- Adjacent Property Owner Notification
- Labels of Property Owners Notified
- Map of Adjacent Property Owners Notified
- Certification of Adjacent Property Owner Notification
- Draft Findings of Fact

Area Zoning Map



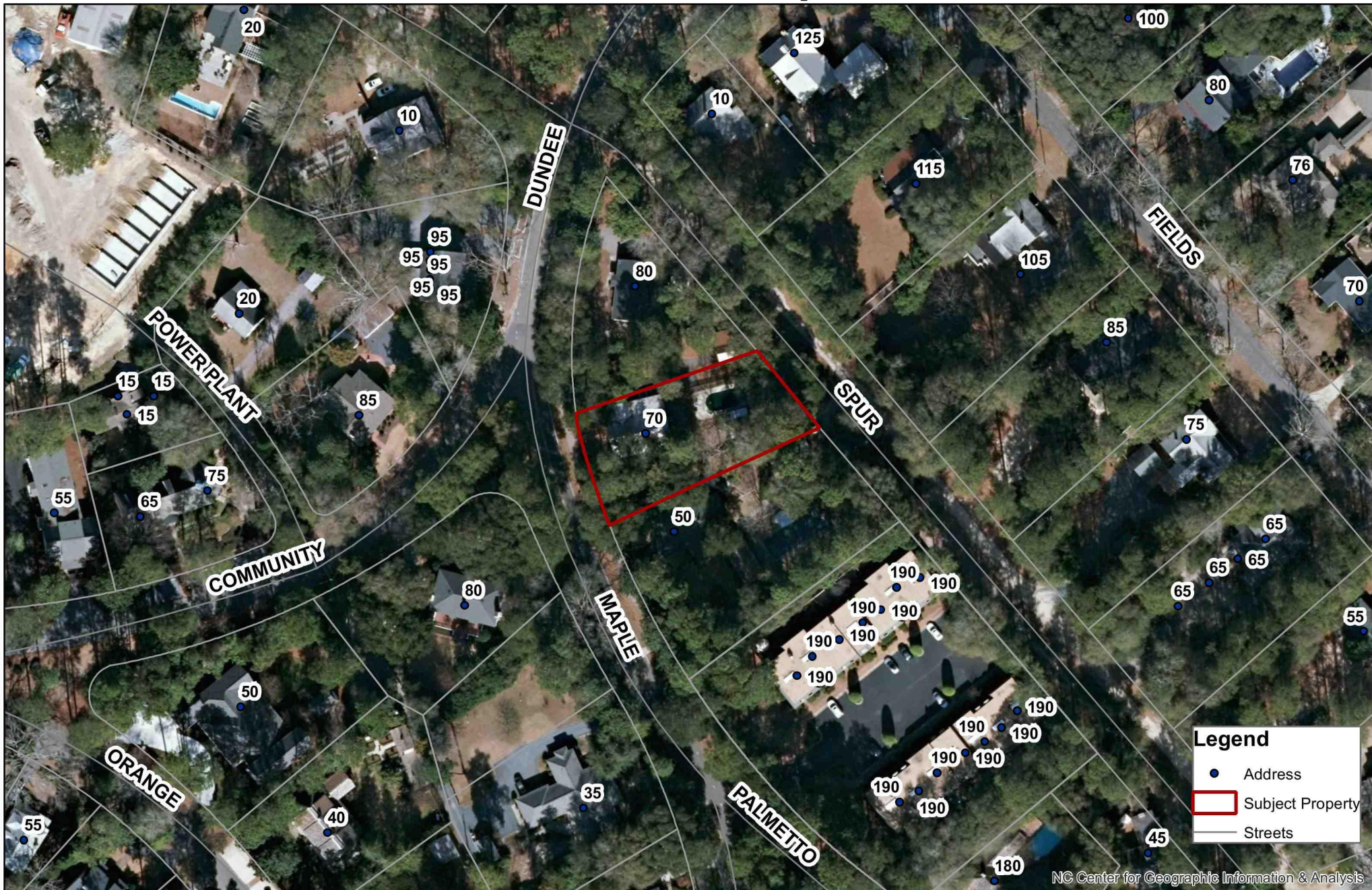
March 4, 2021

Board of Adjustment Public Hearing Variance Request for 70 Maple Road



Village of Prohibit 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, NAD 83, Zone 18.
 PI\Advisory Boards\Board of Adjustment\BOA Meetings\2021\03-04-2021\Property Owner Notification Map.mxd
 2/23/2021

Aerial Map



March 4, 2021

Board of Adjustment Public Hearing Variance Request for 70 Maple Road



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).
PI Advisory Board/Board of Adjustment/BOA Meetings/2021/03-04-2021/Property Owner Notification Map.mxd
2/23/2021



HISTORY, CHARM, AND SOUTHERN HOSPITALITY_____

NOTICE OF PUBLIC HEARING VILLAGE OF PINEHURST

Dear Property Owner:

The Village of Pinehurst Board of Adjustment (BOA) will hold a Public Hearing on Thursday, March 4, 2021 at 4:30 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 <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 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.

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/>.

All persons wishing to participate and provide sworn testimony during the public hearing so that the facts are presented and made a matter of record, will need to consent to participating remotely and complete the attached consent form. Those that wish to participate 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 and to provide the executed consent form. For more information, please call (910) 295- 2581.

KROENING, MARY KATHRYN L
80 MAPLE LANE
PINEHURST NC 28374

MOUNT EDEN PROPERTIES, LLC
4030 WAKE FOREST RD STE 349
RALEIGH NC 27609

TANNER, JASON B
409 DORSEY AVENUE
APTOS CA 95003

MILAN, PAUL J MILAN, LORELEI P
4021 SKIPJACK CT
RALEIGH NC 27613

BUTLER, JAMES E III
PO BOX 1602
SUFFOLK VA 23439

BLUE PINES, LLC
1126 TAMWORTH HILL LANE
CARY NC 27519

MCKEAN, DAVID E MCKEAN, VALERIE J
40 QUEENS CT
PINEHURST NC 28374

MONROE, CLEMENT D & KAMRON D
185 SHORT RD
PINEHURST NC 28374-8815

VILLAGE PLACE LLC
9012 WINGED THISTLE CT
RALEIGH NC 27617

DEGRE, DAN
1305 LINDEN RD
ABERDEEN NC 28315

Public Hearing Notification



0 37.5 75 150 225 300 Feet

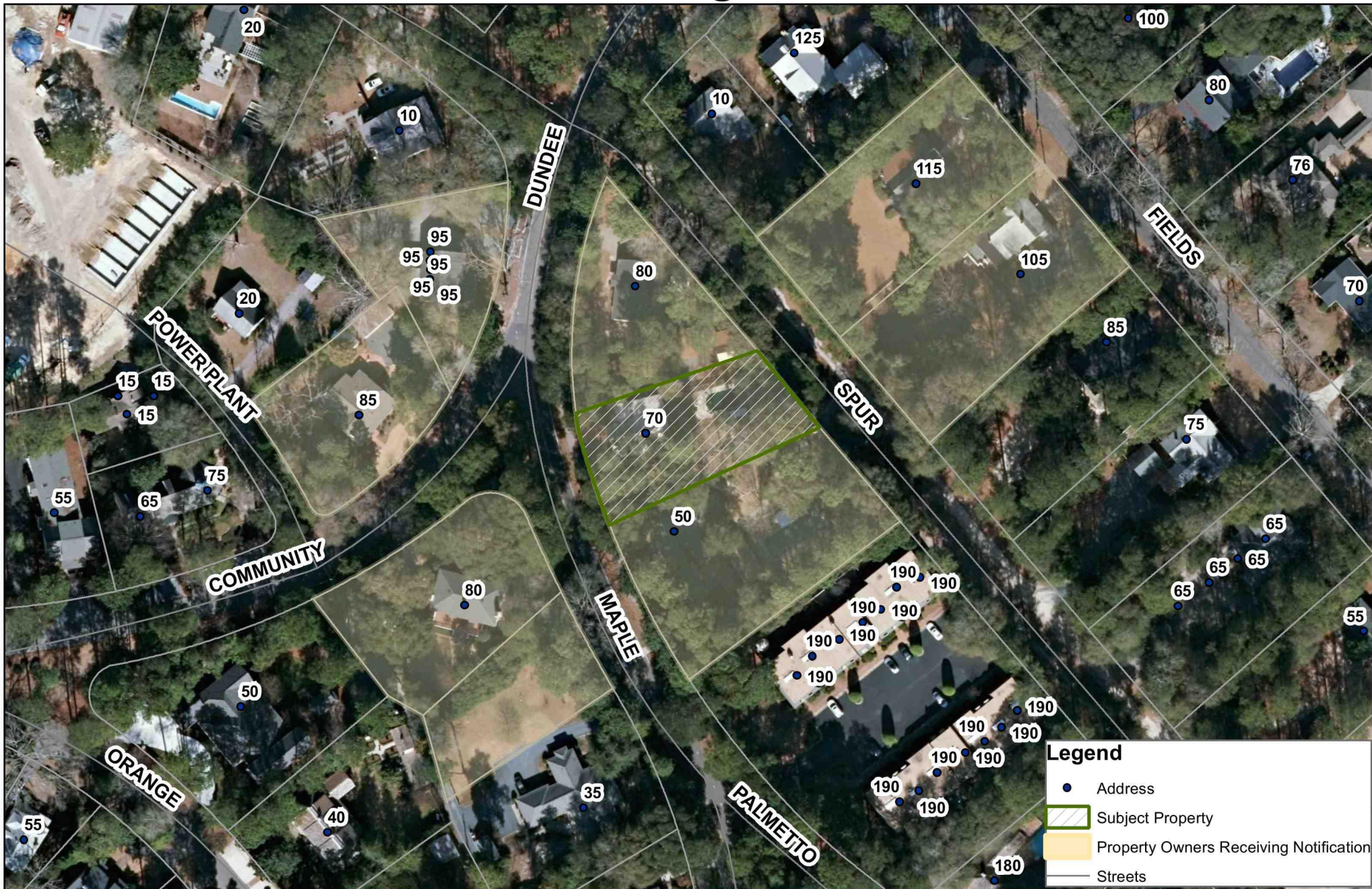
March 4, 2021

Board of Adjustment Public Hearing
Variance Request for 70 Maple Road



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). P:\Advisory Boards\Board of Adjustment\BOA Meetings\2021\03-04-2021\Property Owner Notification Map.mxd 2/16/2021

Public Hearing Notification



March 4, 2021

Board of Adjustment Public Hearing
Variance Request for 70 Maple Road



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). P:\Advisory Boards\Board of Adjustment\2021\03-04-2021\Property Owner Notification Map.mxd 2/17/2021



CERTIFICATION OF ADJACENT PROPERTY OWNER NOTIFICATION

Board:

- ☐ Planning and Zoning Board
- ☐ Historic Preservation Commission
- ☒ Board of Adjustment
- ☐ Village Council

Meeting Date:

March 4, 2021

I, certify that all adjacent property owners were properly notified of public hearings for the following properties in accordance with state and local law:

70 Maple Road, Pinehurst, NC 28374

Date Notice Was Mailed:

February 18, 2021

Date Property Was Posted:

February 17, 2021

Alex Cameron
Village Planner



HISTORY, CHARM, AND SOUTHERN HOSPITALITY_____

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

VARIANCE FOR 70 MAPLE ROAD

March 4, 2021

**Jason Tanner
409 Dorsey Avenue
Aptos, CA 95003**

RE: Variance request from section 9.2a Tables of Dimensional Requirements for the property at 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 to allow for a front addition.

Dear Mr. Tanner,

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 **March 4, 2021** where the board considered all evidence submitted by the parties and voted to **approve/deny** the variance request for property at **70 Maple Road** 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;



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):

DRAFT



HISTORY, CHARM, AND SOUTHERN HOSPITALITY_____

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 *4th* day of *March 2021*.

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

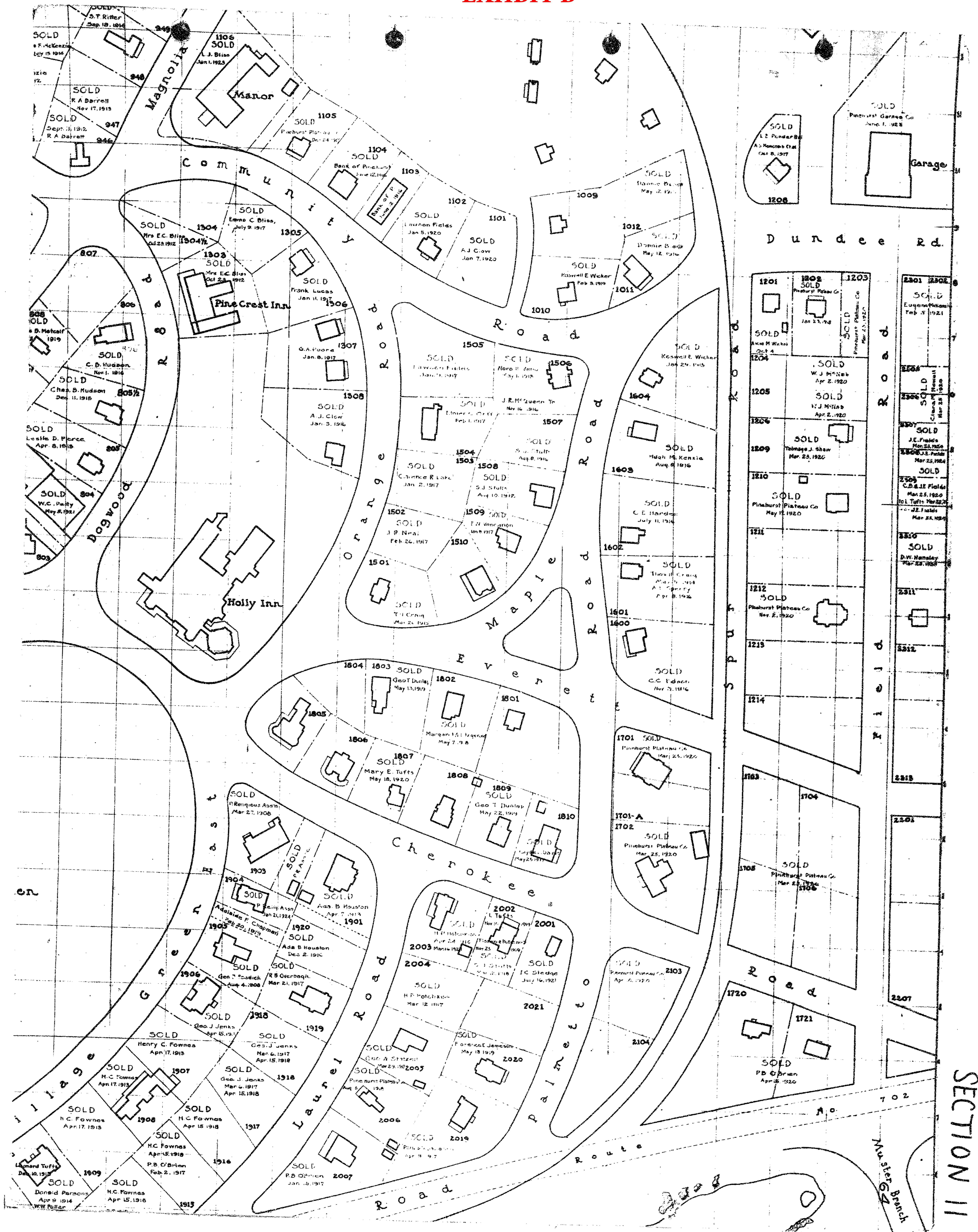
I, _____, a Notary Public for North Carolina do hereby certify that Julia Latham, Chairperson of the Board of Adjustment, Village of Pinehurst, personally appeared before me this day and acknowledged the foregoing document. Witness my hand and official seal this the ____ day of _____.

Notary Public

Seal

My Commission expires: _____

EXHIBIT B



SECTION 11

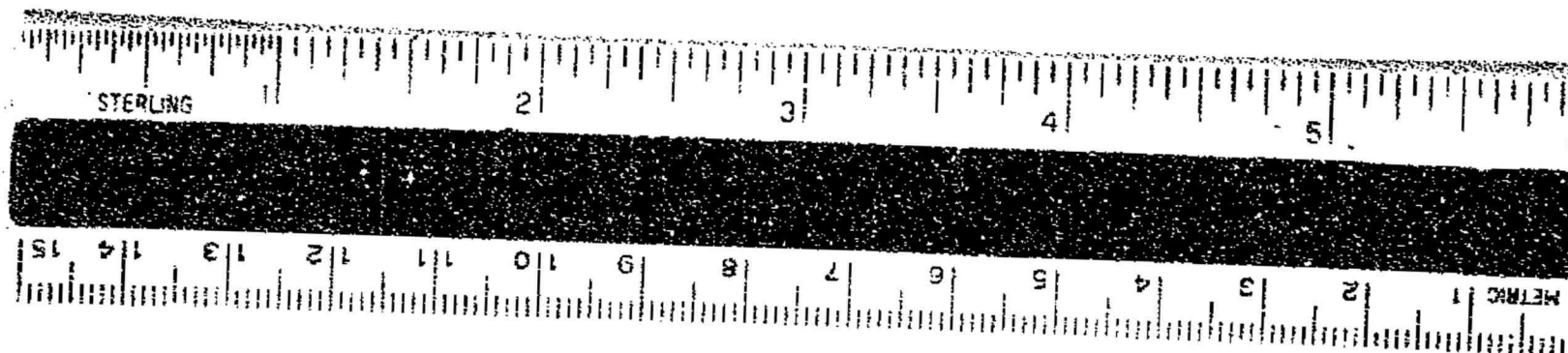


EXHIBIT C



QUASI-JUDICIAL PUBLIC HEARING **DURING “REMOTE MEETING” CONSENT**

Board:

- ☐ Planning and Zoning Board
- ☐ Historic Preservation Commission
- ☐ Board of Adjustment

Meeting Date:

March 4, 2021

The Village Council of the Village of Pinehurst, in order to comply with North Carolina Governor Roy Cooper’s latest Executive Order during the State of Emergency to address the Coronavirus (COVID19) public health emergency, passed Resolution #20-08 authorizing appointed boards to conduct electronic meetings.

I consent to participate in the required quasi-judicial public hearing held during a “remote meeting” as defined by NCGS 166A-19.24 for the application submitted at the subject property:

**70 Maple Road
Pinehurst, NC 28374
PID # 00018218**

Jason Tanner

Name

Jason Tanner

Signature

February 15, 2021

Date

EXHIBIT B

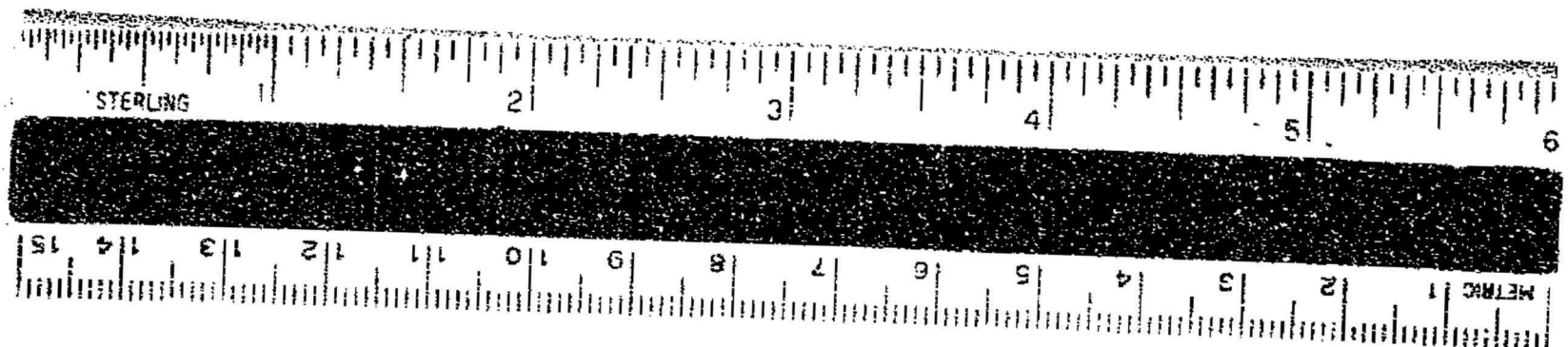
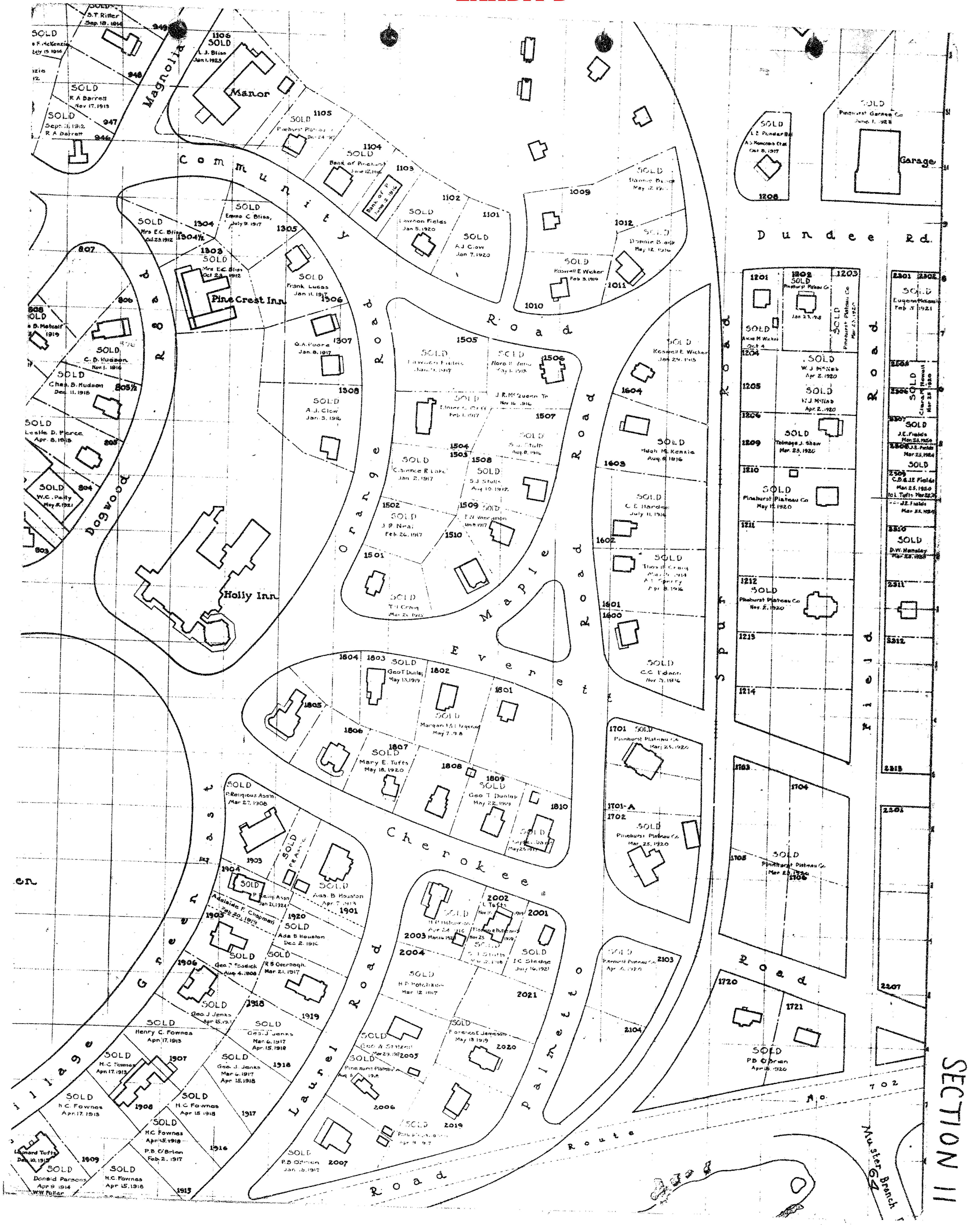


EXHIBIT C

DB

FOR REGISTRATION REGISTER OF DEEDS

Judy D. Martin

Moore County, NC

July 20, 2020 01:42:12 PM

Book 5374 Page 262-265

FEE: \$26.00

NC REVENUE STAMP: \$725.00

INSTRUMENT # 2020012826



INSTRUMENT # 2020012826

Excise Stamps \$725.00

Recording Time, Book & Page

Drafted by Robert M. Friesen, Attorney at Law

120 Applecross Road

Pinehurst, NC 28374

No Title Examination by drafting attorney

Brief Description for Index: 70 Maple Road, Pinehurst, NC

Parcel ID# 00018218

NORTH CAROLINA GENERAL WARRANTY DEED

THIS GENERAL WARRANTY DEED made this 10th day of July, 2020, by and between **Ann G. Cameron, Unmarried (fka Ann Novak)** (hereafter "Grantor"), of PO Box 404, Newport, Rhode Island, 02840 and **Jason B. Tanner** (hereafter "Grantee") of 409 Dorsey Avenue, Aptos, CA 95003.

WITNESSETH:

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

See "Exhibit A" attached hereto.

Subject and together with utility easements, other easements and restrictive covenants that are enforceable against or a benefit to the property, if any, and to the lien for ad valorem property taxes for the current year to be prorated at closing.

Tobias

EXHIBIT C

The property hereinabove described was acquired by Grantor by instrument recorded in Deed Book 835, Page 444, Moore County Registry.

All or a portion of the property herein conveyed includes the primary residence of the Grantor.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that 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 except for the exceptions noted herein.

The designations "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.

[SIGNATURE PAGE TO FOLLOW]

EXHIBIT C

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals the day and year first above written.

Ann G. Cameron (SEAL)
Ann G. Cameron

STATE OF R.I., COUNTY OF Newport

I, Carol Leary, a Notary Public for said County and State, do hereby certify that Ann G. Cameron, either ☐ being personally known to me or ☐ proven by satisfactory evidence, personally appeared before me this day, and acknowledged the voluntary due execution of the foregoing instrument by her for the purposes stated therein. Witness my hand and notarial seal, this 10th day of July, 2020.

CAROL A. LEARY
NOTARY PUBLIC ID# 37400
STATE OF RHODE ISLAND
MY COMMISSION EXPIRES
(Official Seal) 06/04/2022

Carol A. Leary
Notary Public

Carol A. Leary
Printed Name of Notary Public

My Commission Expires: 6/4/22

EXHIBIT C

“Exhibit A”

BEING LOT NUMBER 1604 on the plan entitled "Map of the Land of Leonard Tufts", dated November 6, 1913, and filed in the Public Registry of Moore County, North Carolina, together with all buildings thereon and more particularly described as follows: BOUNDED on the north by Maple Road; on the east by the right-of-way of the spur track running to the Pinehurst Power Plant; on the south by Lot Number 1603; on the west by Maple Road, the said Lot Number 1604 having its corners designated and marked by concrete monuments.

THERE IS EXCEPTED from the above described land and from this conveyance a portion thereof formerly conveyed by Anne Mulcahy, widow, to Josephine Brisk, by Deed dated May 10, 1944, recorded in Book of Deeds 144, at Page 628, in the Office of the Register of Deeds for Moore County, described as follows: BEGINNING at a concrete monument in the southerly line of Maple or Community Road and 25 feet southwesterly from the centerline of the spur track leading to Pinehurst Power Plant, the original northwesterly corner of Lot Number 1604, and running thence as the original back line of said Lot Number 1604 and parallel with and 25 feet from the centerline of said spur track, 154 feet to a stake in the said original line; thence as a new line westerly about 137 feet to a stake in the said southeasterly line of Maple Road at a point 100 feet northerly from the original southwesterly corner of said Lot Number 1604; thence as the southeasterly line of said Maple or Community Road about 170 feet to the BEGINNING, containing 11,075 square feet, more or less.

EXHIBIT D



QUASI-JUDICIAL PUBLIC HEARING DURING “REMOTE MEETING” CONSENT

Board: ☐ Planning and Zoning Board
☐ Historic Preservation Commission
☐ Board of Adjustment

Meeting Date: March 4, 2021

The Village Council of the Village of Pinehurst, in order to comply with North Carolina Governor Roy Cooper’s latest Executive Order during the State of Emergency to address the Coronavirus (COVID19) public health emergency, passed Resolution #20-08 authorizing appointed boards to conduct electronic meetings.

I consent to participate in the required quasi-judicial public hearing held during a “remote meeting” as defined by NCGS 166A-19.24 for the application submitted at the subject property:

**70 Maple Road
Pinehurst, NC 28374
PID # 00018218**

Jason Tanner

Name

Jason Tanner

Signature

February 15, 2021

Date



PLANNING AND INSPECTIONS DEPARTMENT STAFF REPORT

To: Zoning Board of Adjustment
From: Peter Hughes, Senior Planner
CC: Darryn Burich, Planning and Inspections Director
Alex Cameron, Senior Planner
Kelly Brown, Administrative Specialist
Date: ~~March 10, February 25,~~ 2021
Subject: Variance Request for 70 Maple Road

Applicant:	Dan Degre
Owners:	Jason Tanner
Property Location:	70 Maple Road
Parcel Size:	16,308 square feet or 0.37 acres
PID#	00018218
Zoning:	R-10 (High Density Residential)
Zoning Overlay:	Historic District
Front Yard Setback:	30 Feet
Proposed Setback:	±22.73 ± 21.5 Feet
Current Land Use:	Single Family Residential
Proposed Land Use:	Single Family Residential

Request and Background:

This request is to vary the 30 foot minimum front yard setback from the property line in the R-10 Zoning District. The western property line is the lot line subject to this request and would be considered the front yard for the subject property. The applicant is proposing a ~~±22.73~~ ± 21.5 foot setback from the front property line, in order to accommodate a proposed front porch expansion.

The subject property is Lot number 1604 on the plan entitled “*Map of the Land of Leonard Tufts*” dated November 6, 1913. This property is approximately 0.37 acres or 16,308 square feet, which is more than the minimum 10,000 square foot lot size of the R-10 Zoning District. An existing single family home is located on site and is approximately 1,542 square feet. According to the 1996 Village of Pinehurst National Historic Landmark Survey, 70 Maple Road was constructed circa 1915. Tax records indicate that the property was purchased by the current owner, Jason Tanner, in July of 2020. The subject property

is located within the Historic Preservation Overlay District and is immediately surrounded mainly by single family residences zoned R-10. For specific zoning of adjacent properties, refer to the attached map and the table below. Most of the existing residences appear to have been built anywhere between the mid-1910s and late 1990's.

Adjacent Property Zoning and Land Use – 70 Maple Variance Request			
Address	Year Built	Zoning	Existing Land Use
70 Maple Road	1915	R-10	Single Family
80 Maple Road	1970	R-10	Single Family
115 Fields Road	1997	R-10	Single Family
105 Fields Road	Vacant	R-10	Vacant (HPC Approved a Proposed Single Family in 2020)
50 Maple Road	1922	R-10	Single Family
80 Community Road	1916	MF	Single Family
85 Community Road	1920	VCP	Single Family
95 Community Road	1916	VCP	Multi-Family

Currently, the front of the home is nonconforming to the minimum front yard setback and encroaches approximately $\pm 4 \pm 7.27$ feet into the setback. This request would allow for an additional $\pm 4 \pm 1.23$ foot encroachment to accommodate a proposed front porch expansion.

The property also has a detached garage in the rear yard along Spur Road (which functions as an alley) and an additional accessory building located in the rear yard adjacent to the pool. According to Moore County tax records, the detached garage was constructed in 1940 and is approximately 483 square feet and the accessory structure was constructed in 1950 and is approximately 450 square feet. Both of these structures are also considered nonconformities, as neither meet the setback requirements for accessory structures. The accessory building setback requirement in R-10 is 10 feet off the rear and side property lines. The existing garage is ± 2.58 feet over the rear property line and the accessory building is ± 4.23 feet off the side property line, based on the provided survey (Exhibit **G H and Q**).

The home is referred to as “Idlewilde” and is listed as a contributing structure with the National Historic Landmark designation. The property is also within the Local Historic District. Any proposed exterior revisions to the structures and site would require a Certificate of Appropriateness (COA) and need to be reviewed by the Historic Preservation Commission (HPC) or staff.

Along with this report (Exhibit A) staff has included the following labeled exhibits for review and consideration of the Board:

- Exhibit B – Original Subdivision Plat
- **Exhibit C – Warranty Deed for 70 Maple Road**
- Exhibit **CD** – Applicant’s Consent for Electronic Meeting

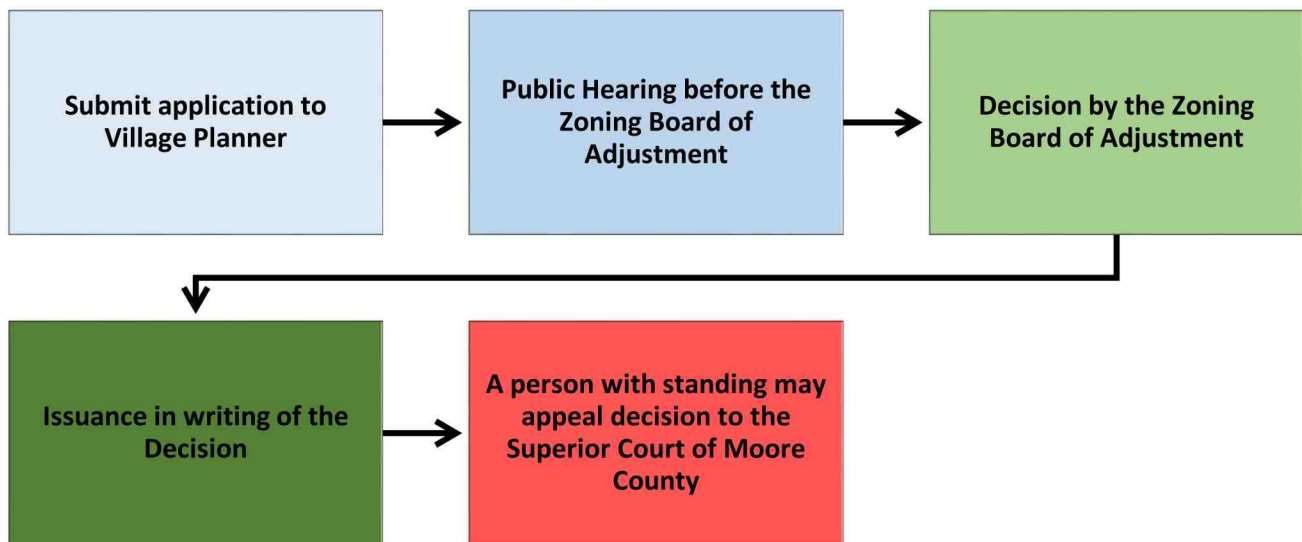
The applicant has submitted the following labeled exhibits for review and consideration by the Zoning Board of Adjustment:

- Exhibit **DE** – Application for Variance
- Exhibit **EF** – Applicant’s Letter to the Board
- Exhibit **FG** – 9.2 Dimensional Table from Pinehurst PDO
- Exhibit **GH** – 70 Maple Survey
- Exhibit **HI** – 70 Maple Existing Primary Structure Elevations
- Exhibit **IJ** – 70 Maple Existing Accessory Structure Elevations
- Exhibit **JK** – 70 Maple Existing Floor Plan
- Exhibit **KL** – 70 Maple Historic Photo of Original Front Porch
- Exhibit **LM** – 70 Maple Proposed Primary Structure Elevations
- Exhibit **MN** – 70 Maple Proposed Accessory Structure Elevations
- Exhibit **NO** – 70 Maple Road Proposed Floor Plan
- **Exhibit P – 70 Maple Road Updated Application**
- **Exhibit Q – 70 Updated Site Plan**
- **Exhibit R – 70 Maple Updated Existing Floor Plan**
- **Exhibit S – 70 Maple Updated Proposed Floor Plan**
- **Exhibit T– 70 Maple Road Photos**
- **Exhibit U – Email from Bart Bordeaux**
- **Exhibit V – Letter from Stephen and Cynthia Thompson**
- **Exhibit W – Email from Jason Tanner to VOP staff (65 Cherokee Rd Variance)**
- **Exhibit X – Meeting Minutes 65 Cherokee Rd Variance**

Variance and Evidentiary Hearing 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.

Requests for variances are quasi-judicial decisions of the Board and therefore require an evidentiary hearing. 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 limits 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. The applicant and other witnesses will be sworn in and can provide factual testimony to the Board on the application. 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.



Action by the Zoning Board of Adjustment:

In considering the application, the Zoning Board of Adjustment shall hold a public hearing. The Board will 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 report along with its attachments and material submitted by the applicant shall also be included as submitted evidence and made part of the record.

Standards of Review

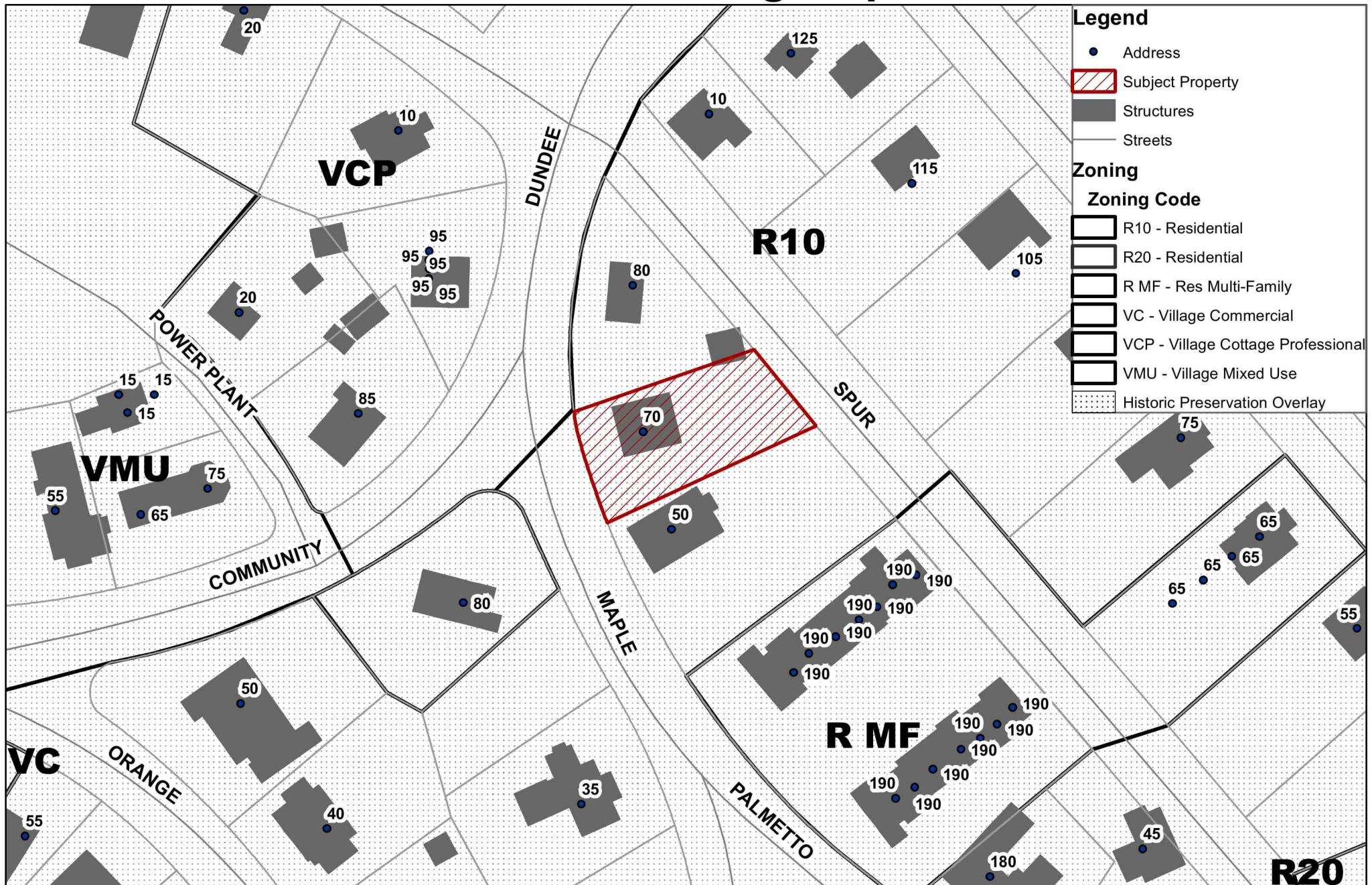
The Zoning Board of Adjustment shall not grant a variance unless and until it makes the following findings:

- (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 to Staff Report (Exhibit A)

- Area Zoning Map
- Aerial Map
- Adjacent Property Owner Notification
- Labels of Property Owners Notified
- Map of Adjacent Property Owners Notified
- Certification of Adjacent Property Owner Notification
- Draft Findings of Fact

Area Zoning Map



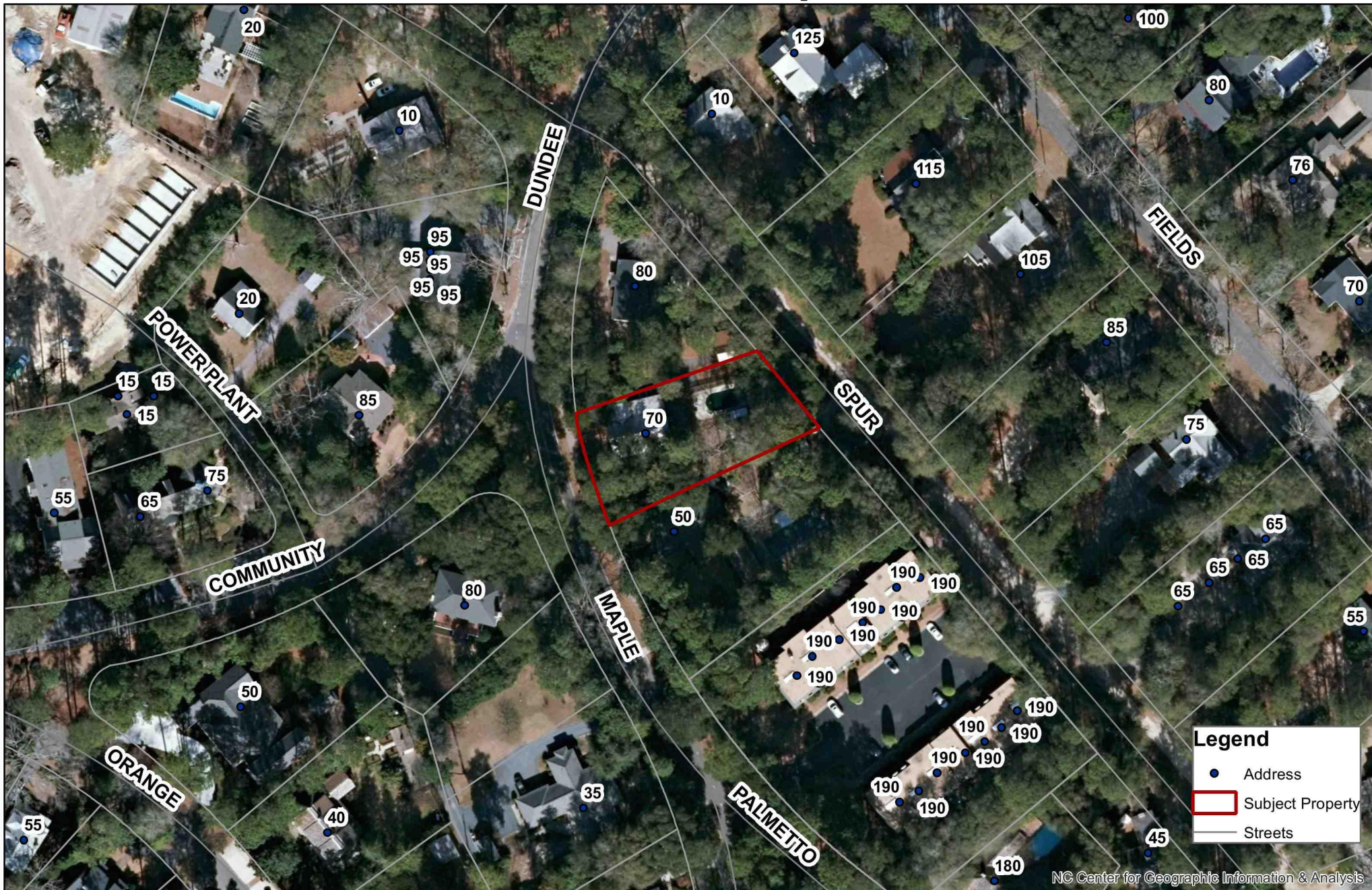
March 4, 2021

Board of Adjustment Public Hearing Variance Request for 70 Maple Road



Village of Prohibit 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, NAD 83, Zone 18.
 P\Advisory Boards\Board of Adjustment\BOA Meetings\2021\03-04-2021\Property Owner Notification Map.mxd
 2/23/2021

Aerial Map



March 4, 2021

Board of Adjustment Public Hearing
Variance Request for 70 Maple Road



0 30 60 120 180 240 Feet

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). P:\Advisory Boards\Board of Adjustment\2021\03-04-2021\Property Owner Notification Map.mxd 2/23/2021



HISTORY, CHARM, AND SOUTHERN HOSPITALITY_____

NOTICE OF PUBLIC HEARING VILLAGE OF PINEHURST

Dear Property Owner:

The Village of Pinehurst Board of Adjustment (BOA) will hold a Public Hearing on Thursday, March 4, 2021 at 4:30 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 <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 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.

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/>.

All persons wishing to participate and provide sworn testimony during the public hearing so that the facts are presented and made a matter of record, will need to consent to participating remotely and complete the attached consent form. Those that wish to participate 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 and to provide the executed consent form. For more information, please call (910) 295- 2581.

KROENING, MARY KATHRYN L
80 MAPLE LANE
PINEHURST NC 28374

MOUNT EDEN PROPERTIES, LLC
4030 WAKE FOREST RD STE 349
RALEIGH NC 27609

TANNER, JASON B
409 DORSEY AVENUE
APTOS CA 95003

MILAN, PAUL J MILAN, LORELEI P
4021 SKIPJACK CT
RALEIGH NC 27613

BUTLER, JAMES E III
PO BOX 1602
SUFFOLK VA 23439

BLUE PINES, LLC
1126 TAMWORTH HILL LANE
CARY NC 27519

MCKEAN, DAVID E MCKEAN, VALERIE J
40 QUEENS CT
PINEHURST NC 28374

MONROE, CLEMENT D & KAMRON D
185 SHORT RD
PINEHURST NC 28374-8815

VILLAGE PLACE LLC
9012 WINGED THISTLE CT
RALEIGH NC 27617

DEGRE, DAN
1305 LINDEN RD
ABERDEEN NC 28315

Public Hearing Notification



0 37.5 75 150 225 300 Feet

March 4, 2021

Board of Adjustment Public Hearing
Variance Request for 70 Maple Road

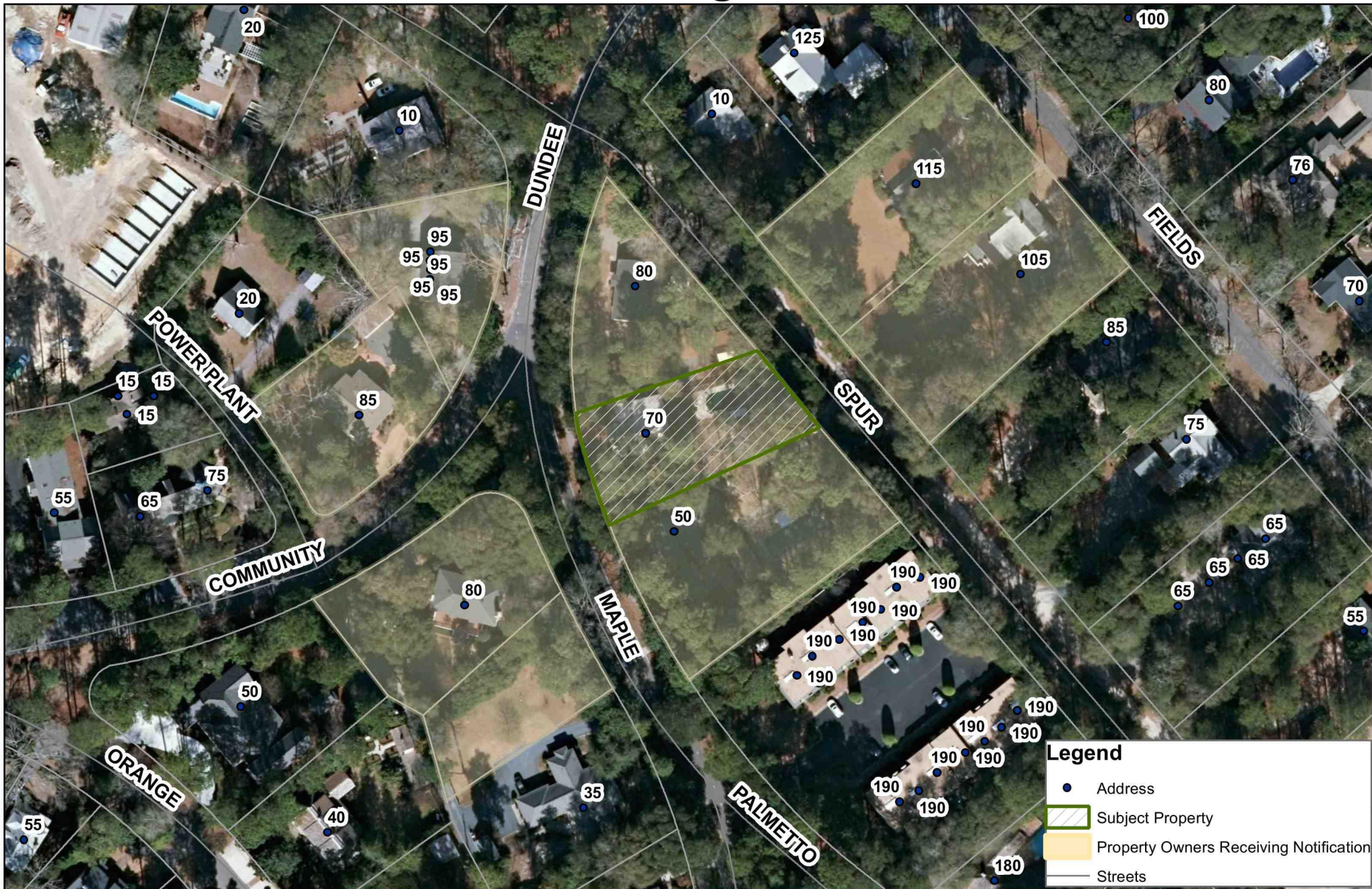


Village of Pinehurst Disclaimer: It is understood that the data contained herein is subject to constant change and that its accuracy cannot be guaranteed. The maps have been created from information provided by various government and private sources at various levels of accuracy. The data is provided 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).
PI Advisory Boards/Board of Adjustment/BOA Meetings/2021/03-04-2021/Property Owner Notification Map.mxd
2/16/2021

Public Hearing Notification



0 30 60 120 180 240 Feet

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). P:\Advisory Boards\Board of Adjustment\2021\03-04-2021\Property Owner Notification Map.mxd 2/17/2021

March 4, 2021

Board of Adjustment Public Hearing
Variance Request for 70 Maple Road





CERTIFICATION OF ADJACENT PROPERTY OWNER NOTIFICATION

Board:

- ☐ Planning and Zoning Board
- ☐ Historic Preservation Commission
- ☒ Board of Adjustment
- ☐ Village Council

Meeting Date:

March 4, 2021

I, certify that all adjacent property owners were properly notified of public hearings for the following properties in accordance with state and local law:

70 Maple Road, Pinehurst, NC 28374

Date Notice Was Mailed:

February 18, 2021

Date Property Was Posted:

February 17, 2021

Alex Cameron
Village Planner



HISTORY, CHARM, AND SOUTHERN HOSPITALITY_____

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

VARIANCE FOR 70 MAPLE ROAD

March 4, 2021

**Jason Tanner
409 Dorsey Avenue
Aptos, CA 95003**

RE: Variance request from section 9.2a Tables of Dimensional Requirements for the property at 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 to allow for a front addition.

Dear Mr. Tanner,

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 **March 4, 2021** where the board considered all evidence submitted by the parties and voted to **approve/deny** the variance request for property at **70 Maple Road** 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;



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):

DRAFT



HISTORY, CHARM, AND SOUTHERN HOSPITALITY_____

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 *4th* day of *March 2021*.

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: _____



EXHIBIT E

Variance
Fee: \$500
(Revised 09/2019)

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 contract 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/Home/ShowDocument?id=10100.

Property Address	
Street Address	70 Maple Road
City, State, Zip Code	Pinehurst, NC 28374
Parcel ID #	00018218





EXHIBIT E

Variance
Fee: \$500
(Revised 09/2019)

Owner Information			
Name	Jason Tanner	Home Phone #	
Street Address	Box 1271	Mobile Phone #	831-214-7933
City, State, Zip Code	Aptos, CA 95001	Business Phone #	
Email	tanbear75@sbcglobal.net		

Applicant			
Name	Dan Degre	Other Phone #	
Email	info@steponedesign.com	Street Address	1305 Linden Road
Mobile Phone #	910-639-0910	City, State, Zip Code	Aberdeen, NC

General Information

Legal Basis for Application	☒ Agent or Contract Purchaser Authorized by the Property Owner ☐ Government Agency Proposing to Acquire Land Affected by the Variance ☒ Owner of the Land Affected by the Variance
General Description of Variance Request	
Ordinance Section Reference	9.2a Table of Dimensional Requirements
Ordinance Text (Verbatim)	Use Type R10 Minimum Front Yard Setback(3) 30' Minimum Side Yard Setback (3) 15'

EXHIBIT E



Variance
Fee: \$500
(Revised 09/2019)

Description of unnecessary hardship that would result from the strict application of the ordinance	The hardship results from the current setbacks and zoning being imposed on the house which was constructed prior to the incorporation of the Village. The hardship is that they want to return their home to a useful and historically accurate state by returning the front porch to its original size to have a historic front entry to a historic home. The hardship also comes from the setbacks being imposed on a home built before there was a development ordinance.
Description of how the hardship results from conditions that are peculiar to the property, such as location, size, or topography	If the house were built today, there would be plenty of room to the rear and sides to build without encroaching on setbacks. When the home was built, no one knew the Village was going to exist or restrictions would be imposed.
Description of how the hardship did not result from actions taken by the applicant or the property owner	Property purchased in July, 2020. Survey only done recently. New Owner unaware of set-back when property purchased.
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 intent is to change the front porch to be architecturally and historically correct and to look like it did when the house was constructed 116 years ago. The variance would allow a historic front entry to a historic home which would also be more in congruence within the Historic District. We believe a variance would be in the spirit, purpose and intent of the ordinance and that public safety will be secured and substantial justice achieved by its approval.

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: _____

Date: _____

1-12-20

EXHIBIT F

10/6/2020

Village of Pinehurst, Board of Adjustment

Greetings Board Members,

I purchased the Idlewilde Cottage in July, 2020. My partner, Rebecca and I both have family in Pinehurst and Southern Pines. We've always been enchanted with the homes in the Historic District of Pinehurst and stumbled across 70 Maple Road. We fell in love with the property and have a vision of restoring the home to its original glory to enjoy with family and friends.

We visited the Tufts Archives to learn about the Village of Pinehurst and more about our little piece of history within it. We were fascinated to see a photograph, circa the 1920s, of children posing on the front porch of the cottage. When Idlewilde Cottage was built there was no incorporation of the Village of Pinehurst and with that no set-backs or development ordinance. We also learned that the Planning Department which housed the original plans had burned down so we felt fortunate to find one photograph documenting the home.

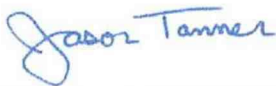
What we also noticed in the photograph was that the original porch was visibly much larger both depth towards the street and width. The original concrete slab to the porch can be seen going right up to the bottom of the door frame. In the current condition there is approximately a 6" gap. Over the past 114 years, the porch has been greatly reduced in size from its original condition when built.

Currently in the state it is in now, it does not allow for more than one person to sit on it at a time and does not reflect the original entry and porch of this historic home nor does it reflect well in the neighborhood.

We respect the current building parameters set forth by The Village and by no means are looking to over build or change the character of our home. On the contrary, we want to change our cottage back to its original form and restoring it to its past glory. The plans that we have submitted will allow the front porch/entry way to be returned to its original, historical form, as evidenced by the photo submitted as obtained from the Tufts Archives as well as returning the porch to a more useable, enjoyable and attractive space.

We hope that the proposed alterations will help ensure that the Idlewilde Cottage will be apart of our family for generations to come. Thank you so much for your consideration. We love our new home in Pinehurst and can't wait for the opportunity to call it our permanent home.

Respectfully Submitted,



Jason Tanner

EXHIBIT G

Maximum Residential Density (DWQ)	-	-	-	-	-	-	-	6 units per acre	-	-	8 units per acre	-	-
-----------------------------------	---	---	---	---	---	---	---	------------------	---	---	------------------	---	---

[illegible]

EXHIBIT G

[illegible]

REFERENCE: DEED BOOK 835, PAGE 444,
MAP BOOK 1, PAGE 64,
MOORE COUNTY REGISTRY.

EXHIBIT H

THIS MAP IS NOT INTENDED TO BE RECORDED IN
ACCORDANCE WITH G.S. 47-30 AS AMENDED.

LRK #00018218

AREA DETERMINED BY COORDINATE METHOD.

RATIO OF PRECISION = 1/7,500+

ZONING: R10 - RESIDENTIAL

LEGEND

- EXISTING IRON PIPE (EIP)
- EXISTING IRON ROD (EIR)
- NEW IRON ROD (NIR)
- COMPUTED POINT (CP)
- EXISTING CONCRETE MONUMENT (ECM)
- EXISTING PK NAIL (EPK)

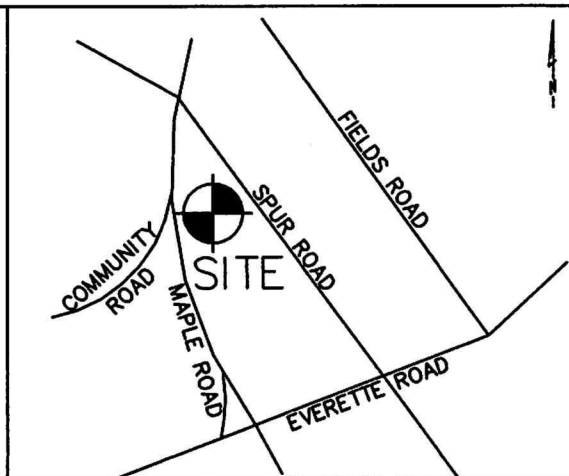
⊕ POWER POLE

BLDG. SETBACKS:

FRONT = 30'

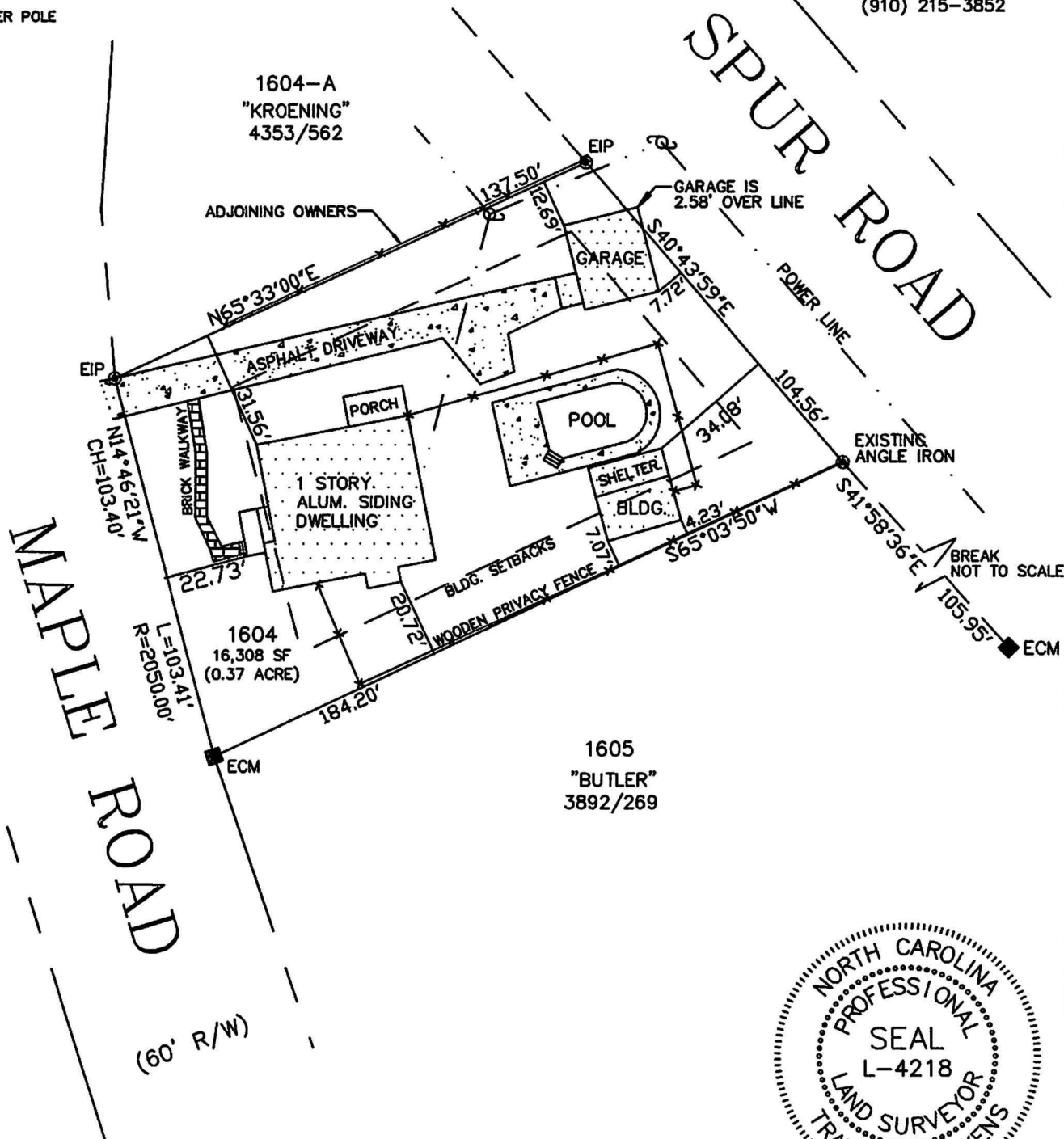
SIDE = 15'

REAR = 25'



LOCATION MAP (NTS)

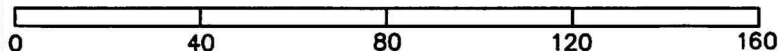
SURVEYORS ADDRESS:
TRAVIS L. NICKENS
159 NICKENS ROAD
CAMERON, NC 28326
(910) 215-3852



1605
"BUTLER"
3892/269



SURVEY FOR
JASON TANNER
LOT NO. 1604, OLD TOWN PINEHURST,
MINERAL SPRINGS TOWNSHIP, MOORE COUNTY,
PINEHURST, NORTH CAROLINA
SEPTEMBER 13, 2020 SCALE 1" = 40'



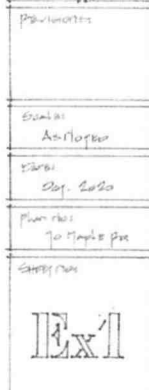
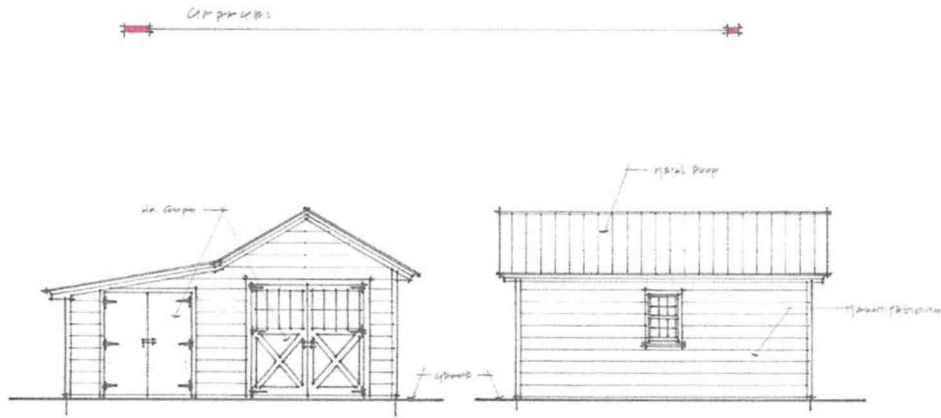
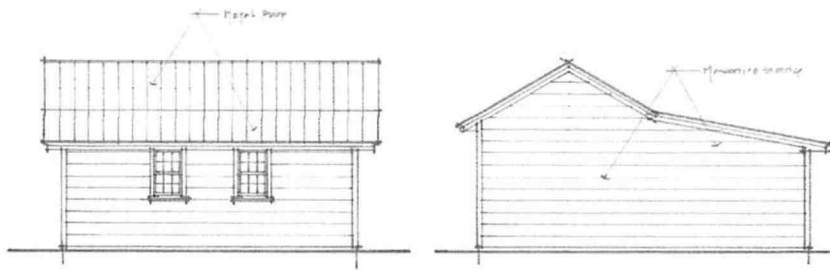


EXHIBIT J



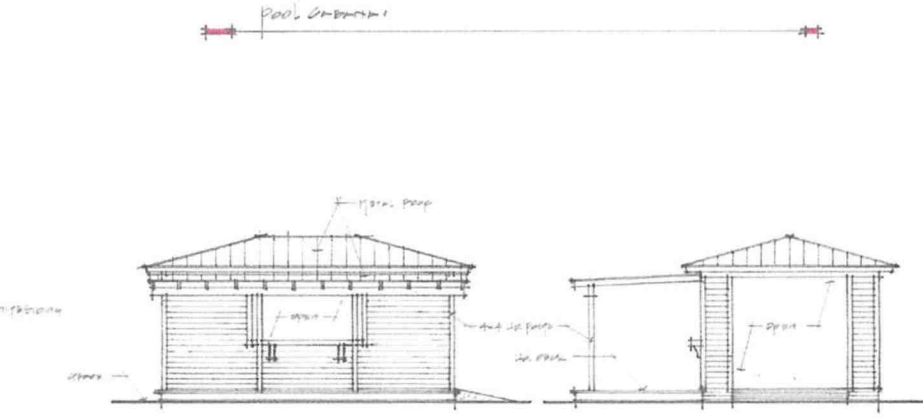
Front Elevation
Scale: 1/4" = 1'-0"

Side Elevation
Scale: 1/4" = 1'-0"



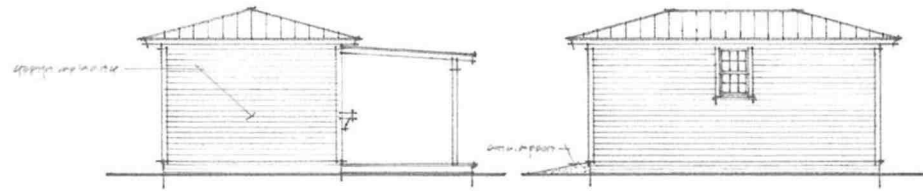
Rear Elevation
Scale: 1/4" = 1'-0"

Left Side Elevation
Scale: 1/4" = 1'-0"



Front Elevation
Scale: 1/4" = 1'-0"

Right Side Elevation
Scale: 1/4" = 1'-0"



Left Side Elevation
Scale: 1/4" = 1'-0"

Rear Elevation
Scale: 1/4" = 1'-0"

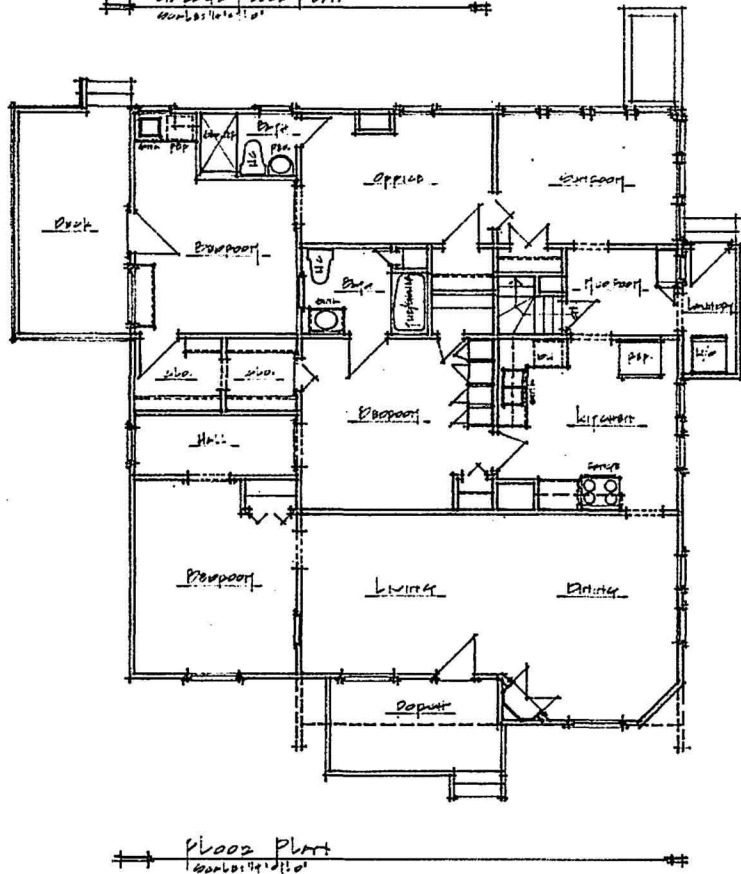
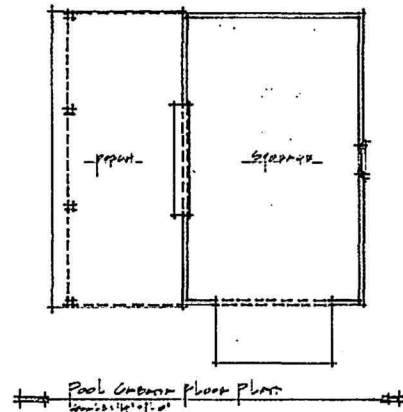
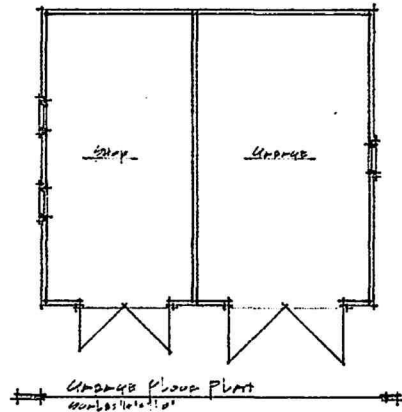


Project Title: Performance Performance Report
Author: JAMES T. JAMES / JAMES T. JAMES
Drawing Location: EXISTING CONDITIONS

Revisions:
1. Add Notes
2. Add Notes
3. Add Notes
4. Add Notes
5. Add Notes

Ex 2

EXHIBIT K



Garage Plan:

1st Floor	1500 sq. ft.
2nd Floor	800 sq. ft.
3rd Floor	1700 sq. ft.
4th Floor	800 sq. ft.
5th Floor	1500 sq. ft.
6th Floor	800 sq. ft.



STEP-ONE
90-25-9056
Proffers

Project: 11-21-21

Architect: JASON JAMES / PETERA CAPPELLER

Engineer: JAMES J. JAC

Existing Conditions

Notes:

Scale:

1/4" = 1'-0"

1/8" = 1'-0"

1/16" = 1'-0"

1/32" = 1'-0"

1/64" = 1'-0"

Plan:

1st Floor

2nd Floor

3rd Floor

4th Floor

5th Floor

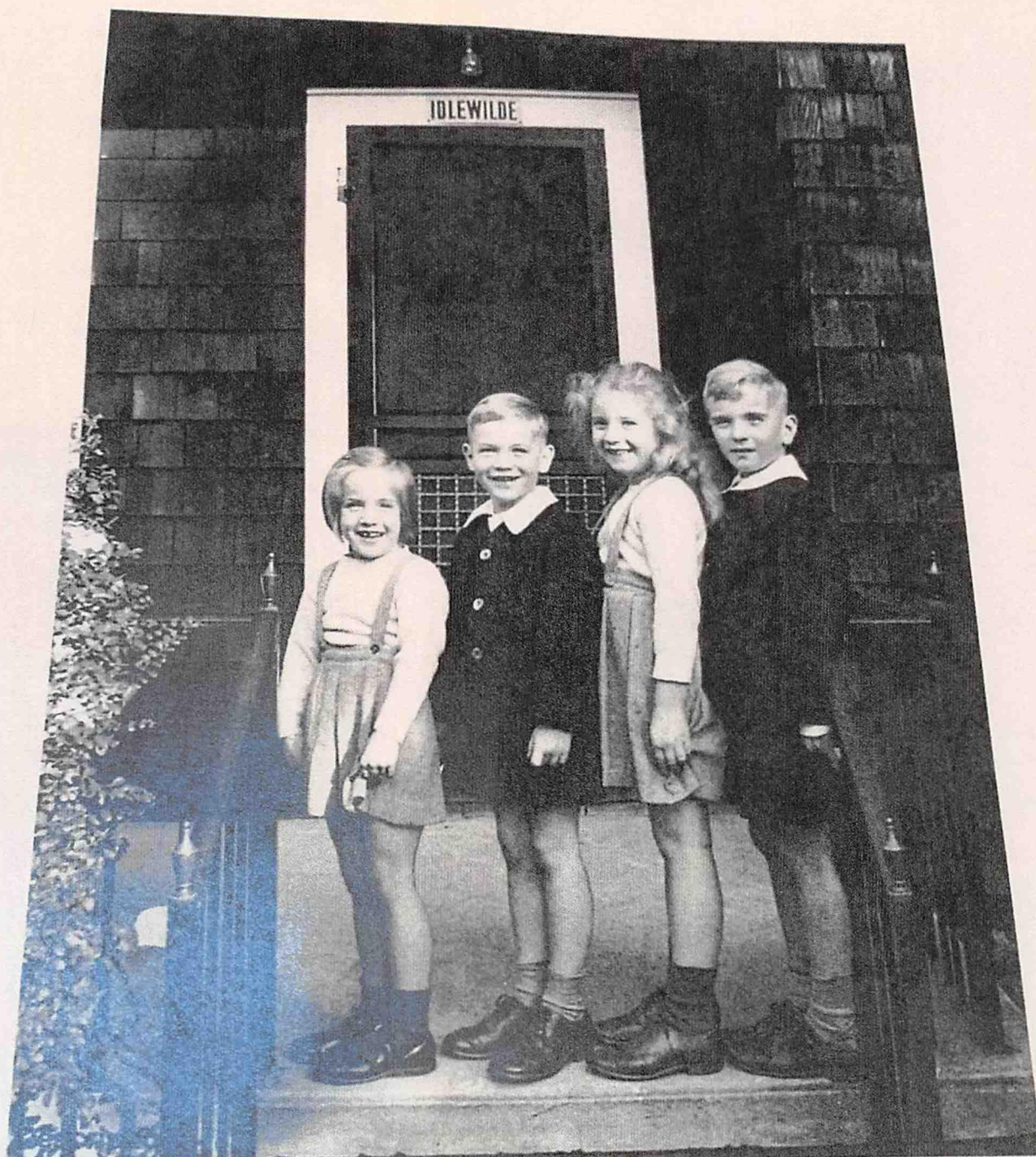
6th Floor

Ex 3

EXHIBIT L

P048955 Negative, Film

Tutts Arch



Name - Lived in Idelwilde Cottage

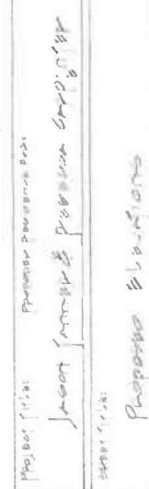
Negative Number

Home Location

HEM

2243.02

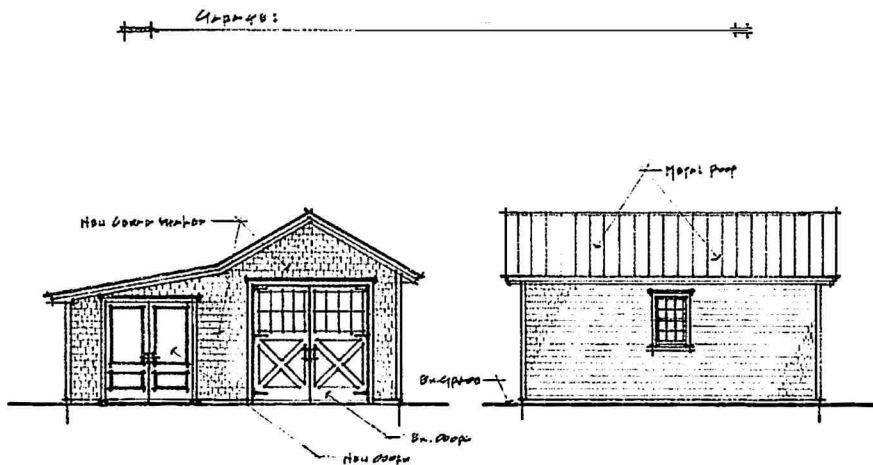
STEP-ONE
DISTRIBUTORS
910-235-9056
Pinehurst



1940-1941
 1942-1943
 1944-1945
 1946-1947
 1948-1949
 1950-1951
 1952-1953
 1954-1955
 1956-1957
 1958-1959
 1960-1961
 1962-1963
 1964-1965
 1966-1967
 1968-1969
 1970-1971
 1972-1973
 1974-1975
 1976-1977
 1978-1979
 1980-1981
 1982-1983
 1984-1985
 1986-1987
 1988-1989
 1990-1991
 1992-1993
 1994-1995
 1996-1997
 1998-1999
 2000-2001
 2002-2003
 2004-2005
 2006-2007
 2008-2009
 2010-2011
 2012-2013
 2014-2015
 2016-2017
 2018-2019
 2020-2021
 2022-2023
 2024-2025
 2026-2027
 2028-2029
 2030-2031
 2032-2033
 2034-2035
 2036-2037
 2038-2039
 2040-2041
 2042-2043
 2044-2045
 2046-2047
 2048-2049
 2050-2051
 2052-2053
 2054-2055
 2056-2057
 2058-2059
 2060-2061
 2062-2063
 2064-2065
 2066-2067
 2068-2069
 2070-2071
 2072-2073
 2074-2075
 2076-2077
 2078-2079
 2080-2081
 2082-2083
 2084-2085
 2086-2087
 2088-2089
 2090-2091
 2092-2093
 2094-2095
 2096-2097
 2098-2099
 2100-2101
 2102-2103
 2104-2105
 2106-2107
 2108-2109
 2110-2111
 2112-2113
 2114-2115
 2116-2117
 2118-2119
 2120-2121
 2122-2123
 2124-2125
 2126-2127
 2128-2129
 2130-2131
 2132-2133
 2134-2135
 2136-2137
 2138-2139
 2140-2141
 2142-2143
 2144-2145
 2146-2147
 2148-2149
 2150-2151
 2152-2153
 2154-2155
 2156-2157
 2158-2159
 2160-2161
 2162-2163
 2164-2165
 2166-2167
 2168-2169
 2170-2171
 2172-2173
 2174-2175
 2176-2177
 2178-2179
 2180-2181
 2182-2183
 2184-2185
 2186-2187
 2188-2189
 2190-2191
 2192-2193
 2194-2195
 2196-2197
 2198-2199
 2200-2201
 2202-2203
 2204-2205
 2206-2207
 2208-2209
 2210-2211
 2212-2213
 2214-2215
 2216-2217
 2218-2219
 2220-2221
 2222-2223
 2224-2225
 2226-2227
 2228-2229
 2230-2231
 2232-2233
 2234-2235
 2236-2237
 2238-2239
 2240-2241
 2242-2243
 2244-2245
 2246-2247
 2248-2249
 2250-2251
 2252-2253
 2254-2255
 2256-2257
 2258-2259
 2260-2261
 2262-2263
 2264-2265
 2266-2267
 2268-2269
 2270-2271
 2272-2273
 2274-2275
 2276-2277
 2278-2279
 2280-2281
 2282-2283
 2284-2285
 2286-2287
 2288-2289
 2290-2291
 2292-2293
 2294-2295
 2296-2297
 2298-2299
 2300-2301
 2302-2303
 2304-2305
 2306-2307
 2308-2309
 2310-2311
 2312-2313
 2314-2315
 2316-2317
 2318-2319
 2320-2321
 2322-2323
 2324-2325
 2326-2327
 2328-2329
 2330-2331
 2332-2333
 2334-2335
 2336-2337
 2338-2339
 2340-2341
 2342-2343
 2344-2345
 2346-2347
 2348-2349
 2350-2351
 2352-2353
 2354-2355
 2356-2357
 2358-2359
 2360-2361
 2362-2363
 2364-2365
 2366-2367
 2368-2369
 2370-2371
 2372-2373
 2374-2375
 2376-2377
 2378-2379
 2380-2381
 2382-2383
 2384-2385
 2386-2387
 2388-2389
 2390-2391
 2392-2393
 2394-2395
 2396-2397
 2398-2399
 2400-2401
 2402-2403
 2404-2405
 2406-2407
 2408-2409
 2410-2411
 2412-2413
 2414-2415
 2416-2417
 2418-2419
 2420-2421
 2422-2423
 2424-2425
 2426-2427
 2428-2429
 2430-2431
 2432-2433
 2434-2435
 2436-2437
 2438-2439
 2440-2441
 2442-2443
 2444-2445
 2446-2447
 2448-2449
 2450-2451
 2452-2453
 2454-2455
 2456-2457
 2458-2459
 2460-2461
 2462-2463
 2464-2465
 2466-2467
 2468-2469
 2470-2471
 2472-2473
 2474-2475
 2476-2477
 2478-2479
 2480-2481
 2482-2483
 2484-2485
 2486-2487
 2488-2489
 2490-2491
 2492-2493
 2494-2495
 2496-2497
 2498-2499
 2500-2501
 2502-2503
 2504-2505
 2506-2507
 2508-2509
 2510-2511
 2512-2513
 2514-2515
 2516-2517
 2518-2519
 2520-2521
 2522-2523
 252

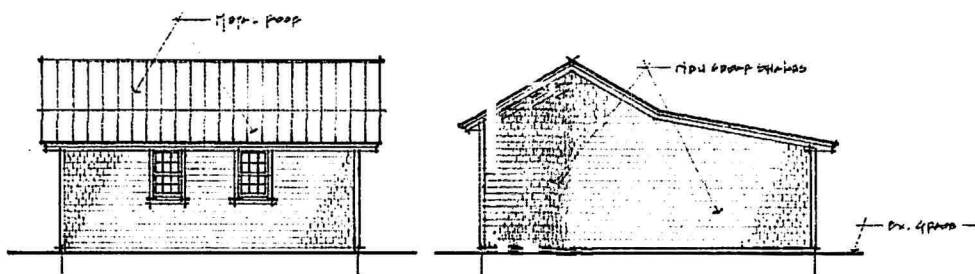
A1

EXHIBIT N



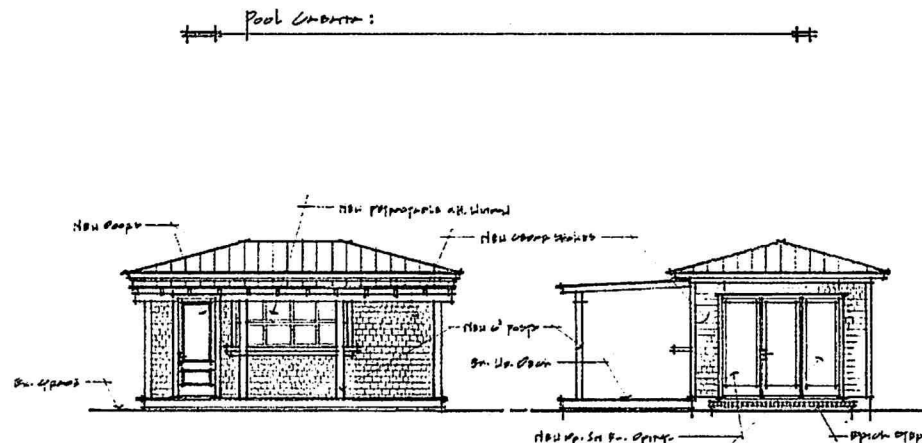
Port B - Export
Date: 1/1/02

Plot Slope Equation



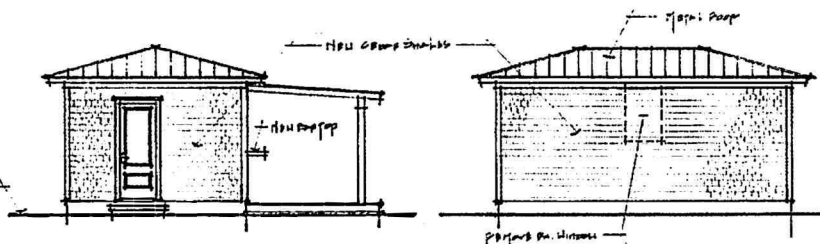
Pump Elavation
couple: 11.15, 12.05

Left Side Division



POINT ELEVATION

RIGHT SIDE ELAVATION



Left Side Elevation

Peak Elevation
Elevation: 0

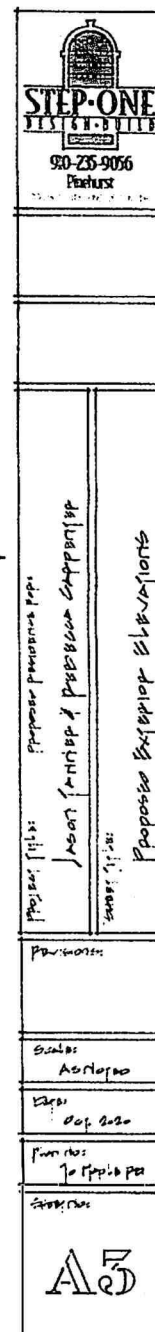




EXHIBIT P

Variance
Fee: \$500
(Revised 09/2019)

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 contract 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/Home/ShowDocument?id=10100.

Property Address	
Street Address	70 Maple Road
City, State, Zip Code	Pinehurst, NC 28374
Parcel ID #	00018218

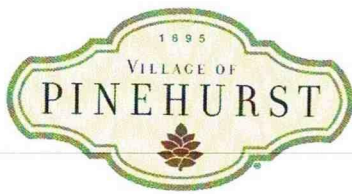


EXHIBIT P

Variance

Fee: \$500

(Revised 09/2019)

Owner Information			
Name	Jason Tanner	Home Phone #	
Street Address	Box 1271	Mobile Phone #	831-214-7933
City, State, Zip Code	Aptos, CA 95001	Business Phone #	
Email	tanbear75@sbcglobal.net		

Applicant			
Name	Dan Degre	Other Phone #	
Email	info@steponedesign.com	Street Address	1305 Linden Road
Mobile Phone #	910-639-0910	City, State, Zip Code	Aberdeen, NC

General Information

Legal Basis for Application	☒ Agent or Contract Purchaser Authorized by the Property Owner ☐ Government Agency Proposing to Acquire Land Affected by the Variance ☒ Owner of the Land Affected by the Variance
General Description of Variance Request	
Ordinance Section Reference	9.2a Table of Dimensional Requirements
Ordinance Text (Verbatim)	Use Type R10 Minimum Front Yard Setback(3) 30' Minimum Side Yard Setback (3) 15'

Planning and Inspections Department

395 Magnolia Rd - Pinehurst, North Carolina 28374

(910) 295-8660 - Fax (910) 295-1396 – www.vopnc.org



EXHIBIT P

Variance

Fee: \$500

(Revised 09/2019)

Description of unnecessary hardship that would result from the strict application of the ordinance	The hardship results from the current setbacks/zoning being imposed on a house constructed prior to the incorporation of the Village and a development ordinance. The owner is asking the board to alleviate a hardship created by the village. Strict application of this ordinance would be a hardship to the owner to deny them the ability to include a useable front porch in their renovation plans, which would deny them the enjoyment of a significant aspect of the Old Town Village experience
Description of how the hardship results from conditions that are peculiar to the property, such as location, size, or topography	If the house were built today, there would be plenty of room to the rear and sides to build without encroaching on setbacks. When the home was built in 1914, no one knew the Village was going to exist or restrictions would be imposed. This hardship is not uncommon to homes in the Historic Village of Old Town Pinehurst.
Description of how the hardship did not result from actions taken by the applicant or the property owner	Property purchased in July, 2020. New Owner unaware of set-back when property purchased.
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 intent is to return "Idlewilde" Cottage to its former glory. The variance would allow a historic front entry to a historic home which would also be more in congruence within the Historic District. We believe a variance would be in the spirit, purpose and intent of the ordinance to alleviate a hardship of a historic home and add to the charm and character of Maple Road all the while maintaining public safety and substantial justice achieved by its approval.

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


Jason Tanner

Date: March 8, 2021

Planning and Inspections Department

395 Magnolia Rd - Pinehurst, North Carolina 28374

(910) 295-8660 - Fax (910) 295-1396 – www.vopnc.org

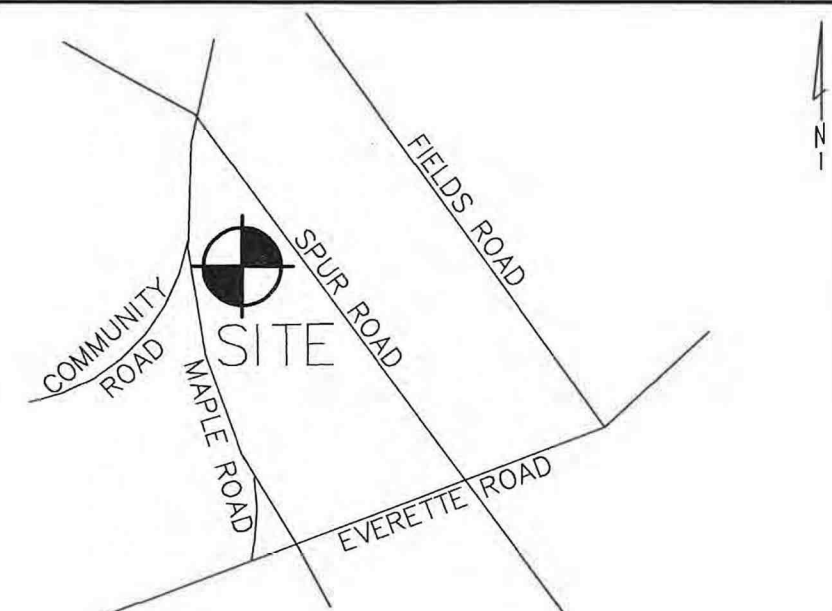
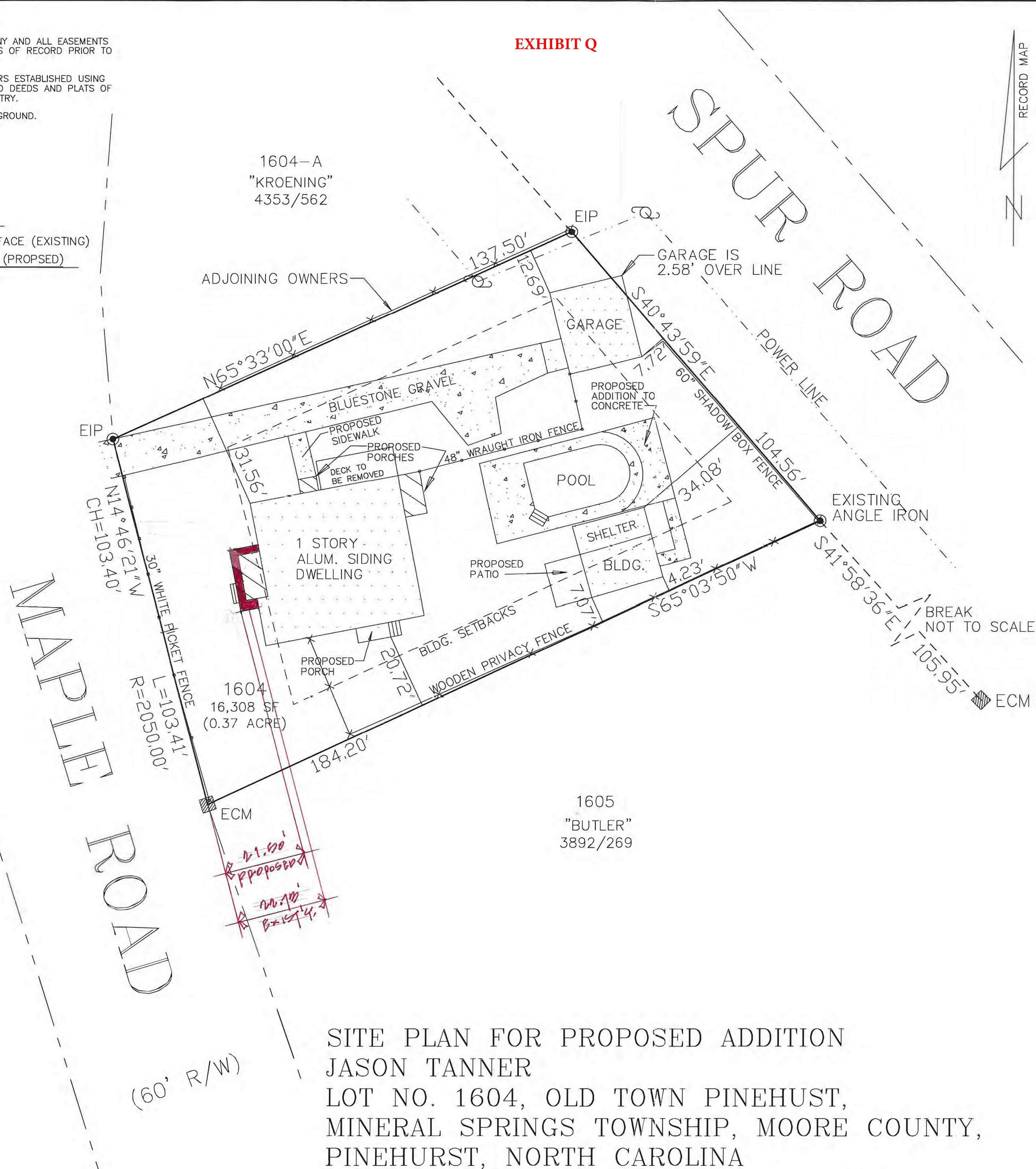
NOTES:

1. THIS PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS RIGHT-OF-WAYS, AND AGREEMENTS OF RECORD PRIOR TO THIS PLAT.
2. ALL PROPERTY LINES AND CORNERS ESTABLISHED USING EXISTING BOUNDARY EVIDENCE AND DEEDS AND PLATS OF RECORD IN MOORE COUNTY REGISTRY.
3. ALL DISTANCES ARE HORIZONTAL GROUND.

SITE DATA:

5,113 SF OF IMPERVIOUS SURFACE (EXISTING)
535 SF IMPERVIOUS SURFACE (PROPOSED)
5,648 SF TOTAL

EXHIBIT Q



LOCATION MAP (NTS)

REFERENCE: DEED BOOK 835, PAGE 444,
MAP BOOK 1, PAGE 64,
MOORE COUNTY REGISTRY.

THIS MAP IS NOT INTENDED TO BE RECORDED IN
ACCORDANCE WITH G.S. 47-30 AS AMENDED.

LRK #00018218

AREA DETERMINED BY COORDINATE METHOD.

RATIO OF PRECISION = 1/7,500+

ZONING: R10 - RESIDENTIAL

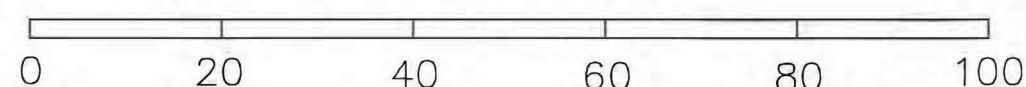
BLDG. SETBACKS:

FRONT = 30'
SIDE = 15'
REAR = 25'

LEGEND

- EXISTING IRON PIPE (EIP)
- EXISTING IRON ROD (EIR)
- NEW IRON ROD (NIR)
- COMPUTED POINT (CP)
- EXISTING CONCRETE MONUMENT (ECM)
- EXISTING PK NAIL (EPK)
- POWER POLE

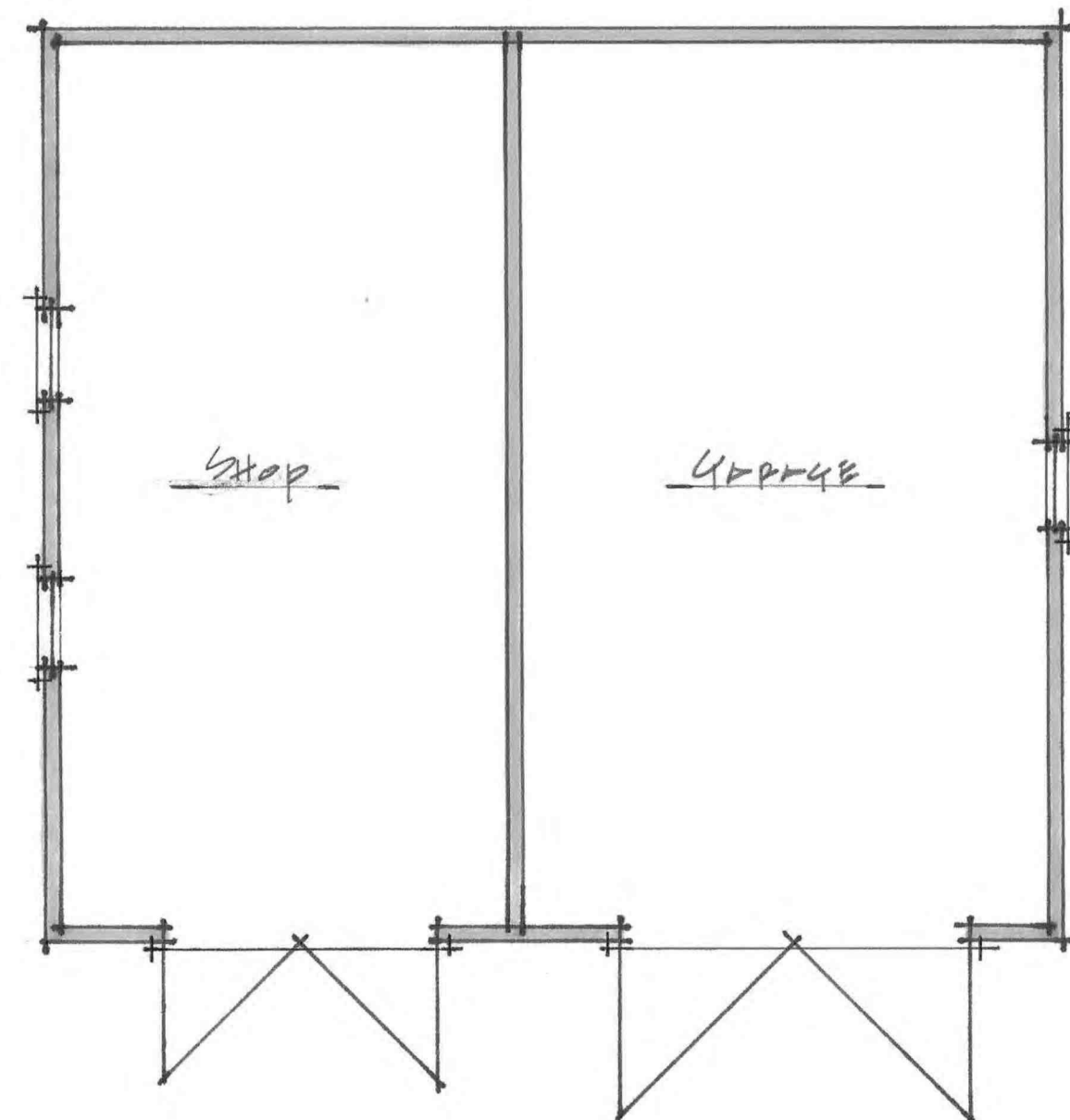
SITE PLAN FOR PROPOSED ADDITION
JASON TANNER
LOT NO. 1604, OLD TOWN PINEHUST,
MINERAL SPRINGS TOWNSHIP, MOORE COUNTY,
PINEHURST, NORTH CAROLINA
JANUARY 6, 2021 SCALE 1" = 20'



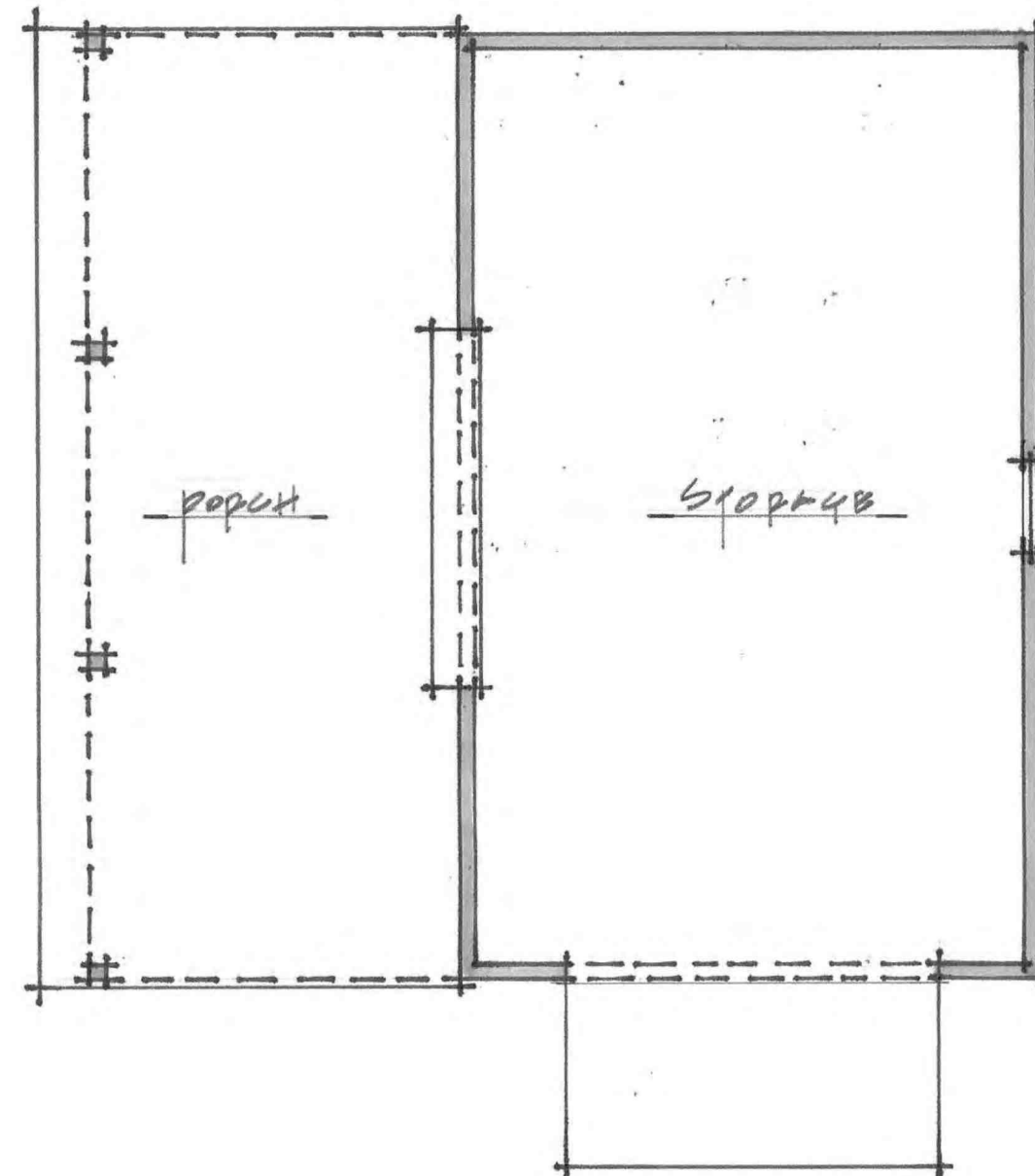
SURVEYORS ADDRESS:
TRAVIS L. NICKENS
159 NICKENS ROAD
CAMERON, NC 28326
(910) 215-3852



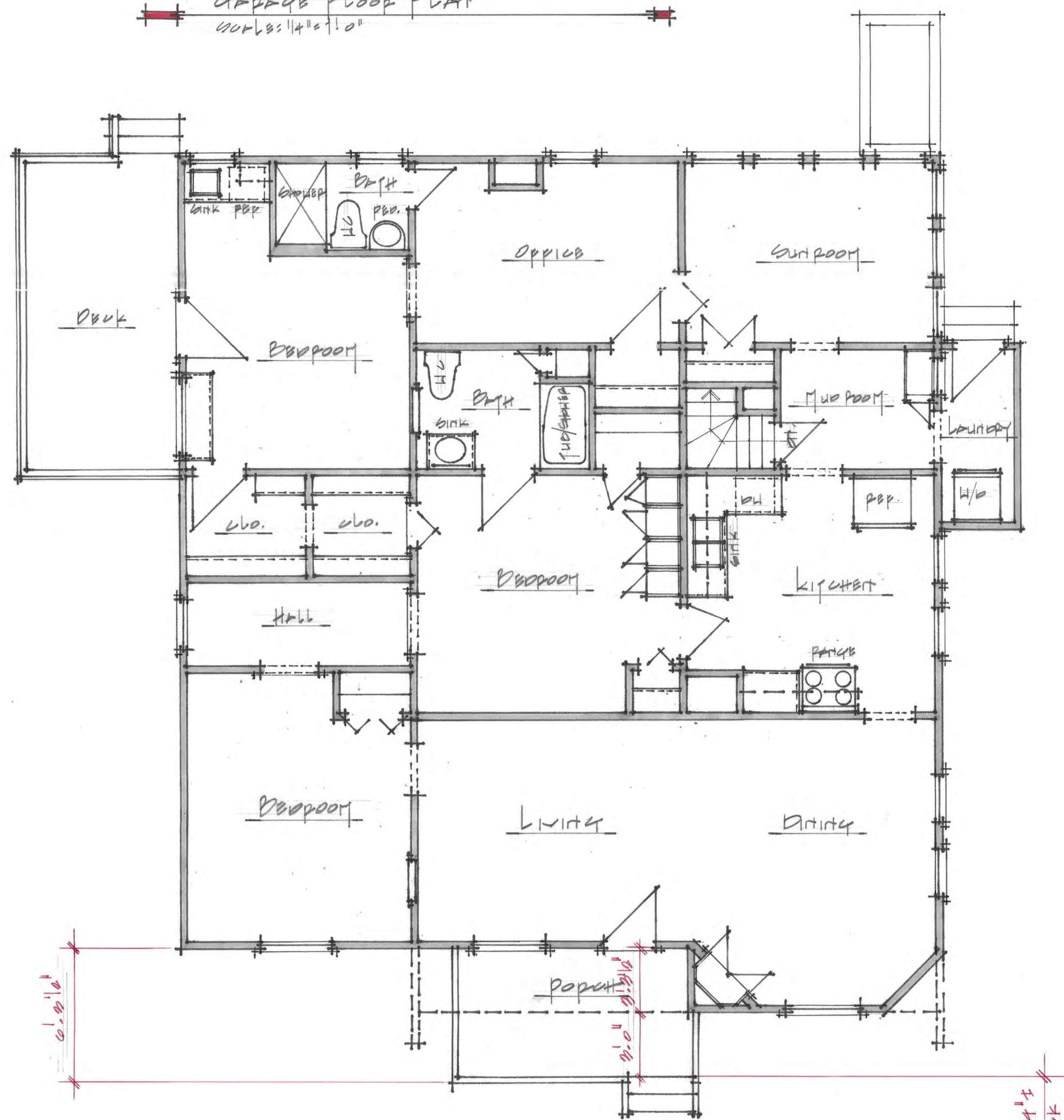
JOB #1792
F. B. 3-7-20



Garage Floor Plan
Scale: 1/4" = 1'-0"



Pool Cabana Floor Plan
Scale: 1/4" = 1'-0"



Floor Plan
Scale: 1/4" = 1'-0"

SPRUE DATA:

1st Floor Area:	1500 S.F.
Front Porch:	30 S.F.
Garage:	475 S.F.
Cabana/Shop:	200 S.F.
Cabana Porch:	135 S.F.
Decks:	235 S.F.

910-235-9056
Pinehurst
© 2007 STEP-ONE DESIGN, INC.

Project Title: PROPOSED RESIDENTIAL POOL
JASON TANNER / REBECCA CAPPENBERG
Sheet Title: EXISTING CONDITIONS

Revisions:

Scale: AS NOTED
Date: OCT. 2020
Plan No: 70 MAPLE POOL
Sheet No:

Ex 3

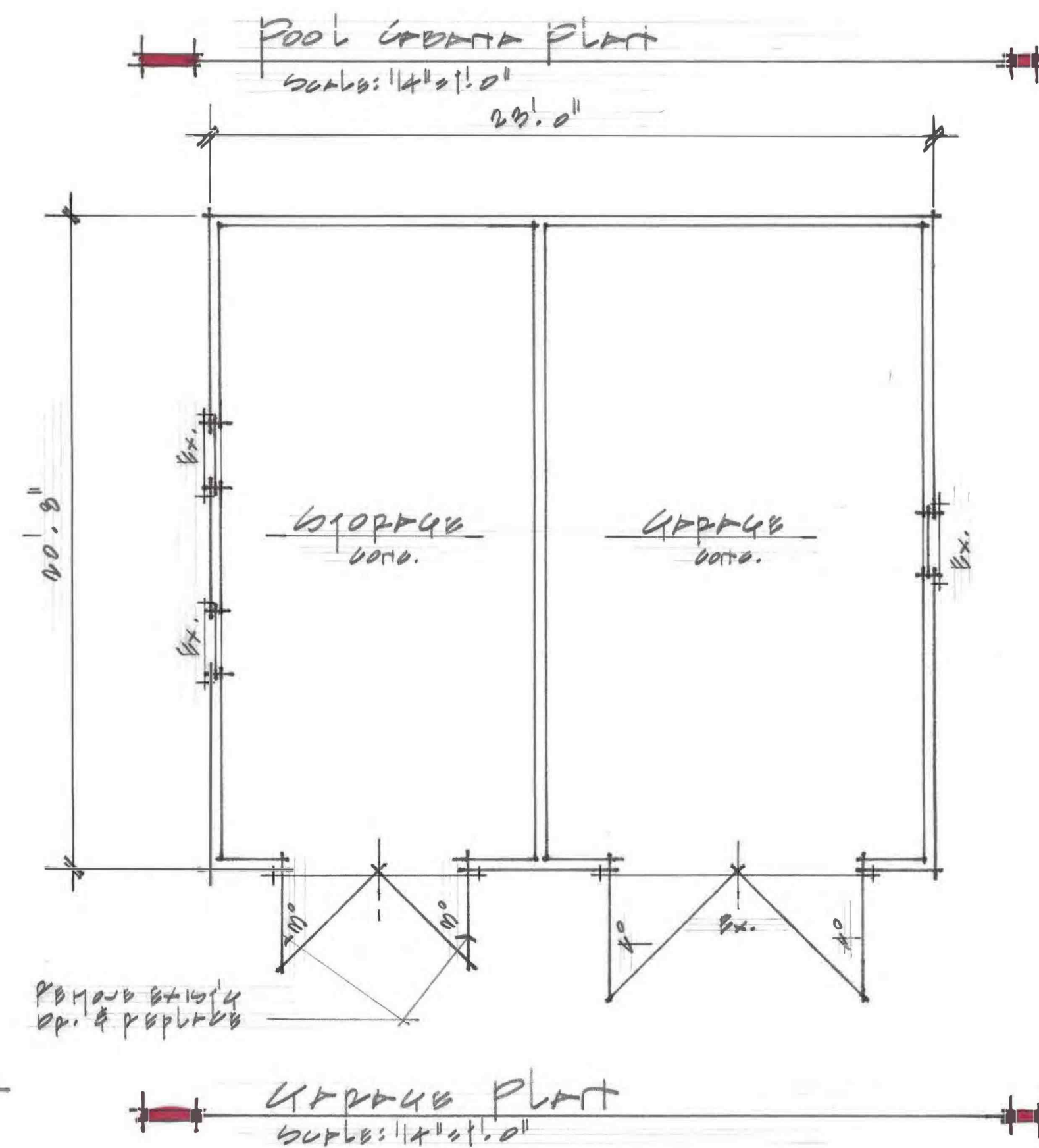
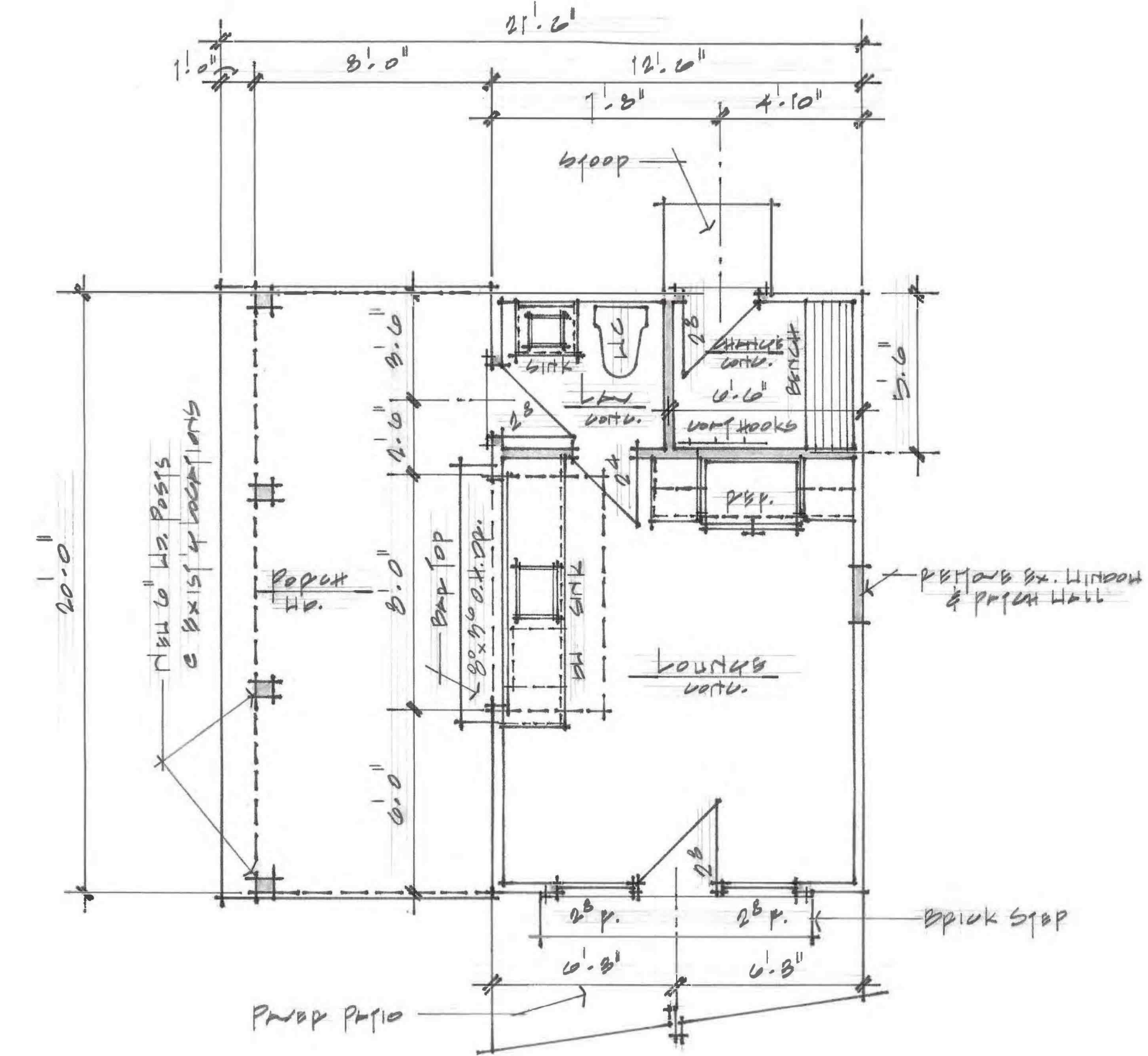
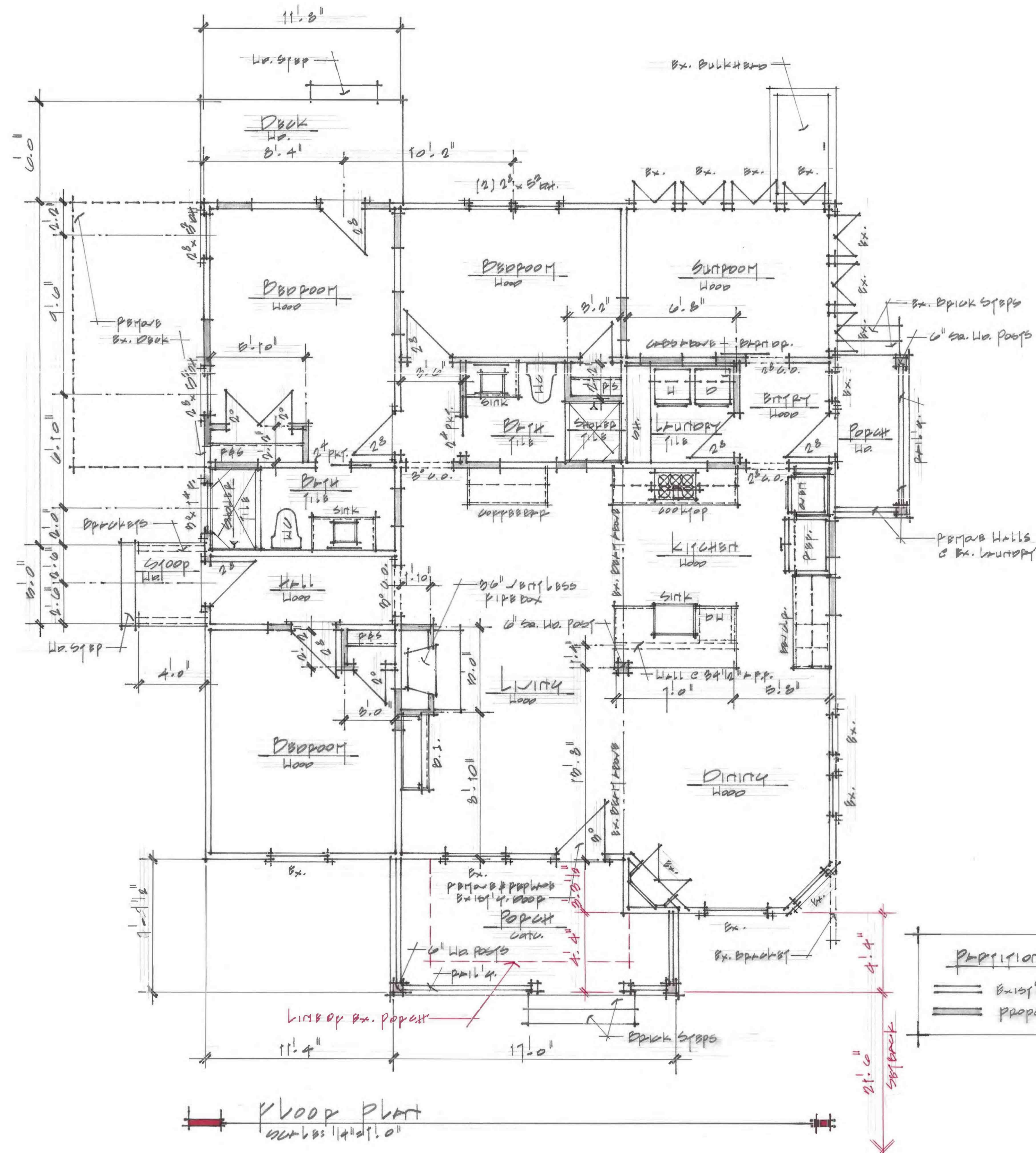


EXHIBIT T



EXHIBIT U

From: [Bart Boudreaux](#)
To: [Peter Hughes](#)
Cc: [Alex Cameron](#); [Darryn Burich](#)
Subject: 70 Maple Rd Variance Request
Date: Saturday, March 6, 2021 10:11:33 AM

Peter, please share this with the BOA members. Thanks, Bart

[illegible]

BOA members,

I'd like to provide some feedback on the 70 Maple Rd variance request after watching the March 4th meeting video this morning.

I would personally support the proposal if the variance only increases the nonconformance by 16", but not if it is 4'. That house is currently unsightly and unappealing and the proposed improvements to the front elevation will far outweigh the negatives of decreasing the set back by only 16". Based on my experience with renovating 7 older Pinehurst cottages, I consider 70 Maple Rd a borderline tear down and applaud the applicant for stepping up to renovate this cottage. The proposed changes will blend harmoniously into the surrounding neighborhood, and is the minimum variance that will afford relief while still allowing a reasonable use of the property. In reality you won't even notice the reduced setback but the improvements will stand out in a positive way - which will benefit the entire neighborhood.

I also reiterate that enjoying a front porch with friends and family is a key contributor to why we chose to live in Old Town Pinehurst, and not having that option would be a hardship. It's an enchanting experience especially when the horse and carriage go by. The applicant mentioned that the cost to build a similar porch without a variance is cost prohibitive.

It was mentioned in the meeting that precedent is not relevant when considering a variance but for me “fairness” is. The 65 Cherokee’s variance is almost identical to this case except for one point – the quality/accuracy of original pictures. Putting those pictures aside - how is “returning the home to a useful and historically accurate state” on 65 Cherokee Rd more of a hardship argument than “wanting to enjoy a porch with friends and family” for 70 Maple Rd. The differences are subjective at best. In the spirit of “fairness” I suggest that the board at least review the 65 Cherokee Rd case and consider those facts when voting on this project. I also suggest you look back at some of the other variances over the last couple years where one was approved on a golf course so they could add additional living space to enjoy their home with family. How is that hardship any different than this case?

It was also mentioned in the meeting that the 70 Maple Rd hardship is not uncommon to other houses in the village but I think there is an issue peculiar to this property. The lot is located in a curve in the road which cuts off some of the setback. I'm not sure how material it is but it is a specific issue relevant to this property.

To close if the house was built today there would be plenty of room to build the porch without encroaching on setbacks. This hardship was created by the Village after

EXHIBIT U

incorporation and introduction of a new development ordinance. In this specific case I feel that a variance should be granted accordingly.

Regards, Bart Boudreaux



Virus-free. www.avast.com

EXHIBIT V

March 7, 2021

Village of Pinehurst, Zoning Board of Adjustment
Re: Variance Request for 70 Maple Road

Dear Board Members,

My wife, Cindy, and I own the adjacent property identified in the Attachments to Staff Report (Exhibit A), highlighted on the map as the vacant lot between 35 Maple Road, the Box Cottage, and 80 Community Road, the Annie Oakley House. As owners of an adjacent property to 70 Maple Road, we received notification of the public hearing on the variance requested for the property. Being interested neighbors, we decided to view the live stream of the public hearing on Thursday, March 4. After viewing the live Board of Adjustment hearing, we decided it would be appropriate to share our thoughts about the variance request for 70 Maple Road.

Cindy and I are homeowners in the Village of Pinehurst. In addition to the property on Maple Road, we are fortunate to also own a home on Magnolia Road where we often enjoy our porch time sitting in our Carolina Rockers watching activities of the village pass by. For us, rocking on your porch and interacting with your neighbors as they pass by is a significant facet of the Old Town Village experience. We also enjoy frequent walks around the Village, usually including a stroll down Maple Road. We have walked past 70 Maple Road many times and very much look forward to the planned renovations, as they will greatly enhance the curb appeal of the currently not so appealing property. Also, in our opinion, it would clearly be a hardship for the homeowner to be denied the ability to include a useable front porch in their renovation plans, which would deny them the enjoyment of a significant aspect of the Old Town Village experience.

Throughout my career, I have always thought that it is wise, after considering all of the data, details, and guidelines that feed into a decision, to take a step back and look at the big picture and ask myself, is this a fair and reasonable outcome? The decision before the board, to approve the requested variance or not, ultimately is centered around whether the front right corner of the newly renovated porch can be 16 inches closer to the road from where the corner of the existing porch stands. I for one at least, standing at the front of my property, or driving by on Maple Road in my car, or even standing on the pathway directly in front of the subject property, would not be able to tell you, just by looking, whether the corner of the porch is 21 and ½ feet set back from the road or 22 and ¾ feet, for all practical purposes a negligible difference. Cindy and I believe the design of the home renovations presented in the variance request will greatly add to the charm and character of Maple Road.

EXHIBIT V

As owners of an adjacent property, we strongly support approval of the requested variance for 70 Maple Road, and wholeheartedly believe approval of the variance will provide only positive additions to the beauty of the Village of Pinehurst.

Sincerely,



Stephen Thompson



Cynthia Thompson

EXHIBIT W

From: [Jason Tanner](#)
To: [Alex Cameron](#); [Peter Hughes](#)
Cc: [Step One Design](#)
Subject: 70 Maple Road (Variance)
Date: Thursday, March 4, 2021 9:40:45 PM
Attachments: [Setback Variance 65 Cherokee Road.pdf](#)

Hi Peter and Alex,

Thanks for the first portion of our hearing today, was interesting and insightful. I mentioned the very similar variance granted to 65 Cherokee Road, also a historical home, built before zoning and setbacks and the only documentation they provided were old photographs.

I heard mentioned that maybe specific variances couldn't be used to set precedent (often used as case law in the courts). There were some questions about hardship, very similar to this case, in which the board members cited the same particular set of circumstances (hardship) our historic cottage (built in 1914) has and the same logic was ultimately used to grant the set back variance for a porch to be built at 65 Cherokee Road. A couple of quotes of note:

"Mr. Shirberg noted that if the house was today, there would be plenty of room to the rear and left side to build without any encroaching on setbacks. He stated that when the home was built, no one knew the village was going to exist or restrictions would be imposed."

"Ms. Latham stated the hardship is that their home needs to be returned to a useful and historically accurate state, and that it results from conditions having to do with zoning prior to Village incorporation."

"Mr. Shirberg stated that board is being asked to alleviate a hardship created by the Village."

"Mr. Russell stated that if the board accepts the logic that the ordinance created the hardship on the front of the house, then it must be accepted that the ordinance created a hardship on the side of the house."

"Mr. Shirberg stated that the hardship comes from the setbacks being imposed on a home built before there was a development ordinance, based on the evidence that has been provided at the public hearing."

Ms. Latham, "She stated she sees hardship in owning a historical home that you cannot bring back to its former glory and sees hardship due to work done by previous owners and how the house is sited on the lot."

"Mr. Russell stated concern that if the applicant wants to appeal, the board will be faulted because of the logic that if the front setback variance is accepted, then the side setback variance should be accepted."

"Upon a motion by Ms Latham, seconded by Mr. Santowasso, the board moved to approve the variance request for the property at 65 Cherokee Road for a variance of 4 feet from the front setback..."

We feel that we have the same hardship created by the same set of circumstances and hope that the same logic and spirit to alleviate the hardship will be employed with out request to build a useful and attractive front porch to a historic home. This information can be added to the packet provided to the board if you see fit or shared with them. We will be providing additional information as requested.

Thanks Again,
Jason



**BOARD OF ADJUSTMENT
JULY 11, 2019
ASSEMBLY HALL
395 MAGNOLIA RD.
PINEHURST, NORTH CAROLINA
5:00 PM**

The Board of Adjustment held a Meeting at 5:00 p.m., Thursday, July 11, 2019, in the Assembly Hall, at 395 Magnolia Road, Pinehurst, North Carolina.

Board Members in Attendance:

Julia Latham, BOA Chair
Leo Santowasso, BOA Member
Joel Shriberg, BOA Member
Sonja Rothstein, BOA Alternate
Charles Russell, BOA Alternate

BOA Member Absent:

David Kelley, BOA Member
Cyndie Burnett, BOA Member
Jeramy Hooper, BOA Alternate
Paul Roberts, BOA Alternate

Staff in Attendance:

Darryn Burich, Planning and Inspections Director
Alex Cameron, Senior Planner
Beth Dunn, Village Clerk
Kelly Brown, Planning Administrative Assistant

I. Call to Order

Chair Julia Latham confirmed that a quorum was present and called the meeting to order.

Upon motion by Mr. Santowasso, the Board unanimously approved to seat Charles Russell as a voting member of the Board by a vote of 3-0.

Upon motion by Board Member Leo Santowasso and seconded by Board Member Charles Russell, the Board unanimously approved to seat Sonja Rothstein as a voting member of the Board by a vote of 4-0.

II. Approval of Minutes

- a. June 6, 2019 Regular Meeting Minutes

Upon a motion by Mr. Santowasso and seconded by Ms. Rothstein, the Board unanimously approved the June 6, 2019 regular meeting minutes as amended by a vote of 5-0.

III. Motion to Enter a Public Hearing

Upon a motion by Mr. Santowasso and seconded by Ms. Rothstein, the Board unanimously voted to recess the regular meeting and to enter into Public Hearing #1 by a vote of 5-0.

IV. Public Hearing #1

Senior Planner Alex Cameron and agents of the applicant Wayne Haddock and Mark Dean of Pinehurst Homes were sworn into the public meeting by Ms. Latham.

Mr. Cameron stated that 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 65 Cherokee Road, further identified by Moore County PID # 00014110. This property is located within the R-10 (High Density Residential) Zoning District and within the Historic Preservation Overlay District. Specifically, the applicant and owners, Michael and Moriah Brown are requesting a variance for 4 feet from the front setback and 2 foot 6 inch variance from one right side setback from the property line.

Mr. Cameron entered into the record the following documents included in the request: application with description, letter of authorization from the owner, existing photo, proposed elevation, existing survey with the current R-10 setbacks shown and surveyed site plan with proposed additions and encroachments, and staff report.

Mr. Cameron explained that the front of the home is currently nonconforming to the minimum front yard setback and encroaches approximately 4' into the setback. He stated the house was built before the Village of Pinehurst was incorporated.

Mr. Haddock read a letter on behalf of the homeowners. Mr. Haddock stated the intent is to change the front porch to be architecturally and historically correct and look like it did when the house was constructed about 120 years ago. Mr. Haddock stated the hardship results from the current setbacks being imposed on the house which was constructed prior to the incorporation of the Village.

Mr. Haddock explained that the front elevation currently encroaches 3.9 feet into the setback. He stated the front porch was constructed by a previous owner. Mr. Haddock stated the house does not currently have a front entry.

Mr. Haddock stated the home is currently 1520 square feet and does not meet the square footage requirement for R-10 zoning, which is 1800 square feet. He stated if they get approval to extend the front, it would allow them to do interior work within current setbacks so that the house will meet the 1800 square foot heated area requirement. Mr. Haddock stated that impervious surface was not an issue.

Mr. Cameron stated that the Pinehurst Development Ordinance allows for steps to encroach into the setback, so they would not need to be part of the applicant's variance request.

Upon question by Mr. Santowasso, Mr. Haddock explained that the new brick patio was in the current setback area and would be the same size as the existing wood deck it was replacing. He stated it would be 308 square feet.

Mr. Santowasso questioned the dimensions of the master bedroom and closet addition. Mr. Haddock stated the area would 108 square feet, but could not recall the dimensions.

Mr. Santowasso stated that the applicant had the total hard surface listed as 2600 feet, which did not include existing gravel walk or driveway. He stated that even if those were added in, they would still be below the hard surface standards. Mr. Dean that they calculated it would be 17% impervious surface. Mr. Cameron stated that is it 40% in the R-10 zoning district.

Mr. Haddock explained that the side encroachment is currently a porch with a side entry. They are proposing to enclose an addition on the side for a laundry utility room.

Mr. Santowasso questioned the garage addition encroaching into the side setback. Mr. Cameron explained that the dashed setback line on the survey applies to principal structures, not accessory structures. He stated that even if garage addition is non-conforming to the accessory structure setbacks, the proposed addition would keep same general footprint, therefore would not encroach any further.

Mr. Russell questioned if the only part of the project that is being done to meet a historical standard was the front porch and if everything else was being done as a modernization. Mr. Haddock stated that all proposed changes will match existing structures and materials.

Mr. Shriberg noted that if the house was built today, there would be plenty of room to the rear and left side to build without encroaching on setbacks. He stated that when the home was built, no one knew the Village was going to exist or restrictions would be imposed.

Upon question by Mr. Santowasso, Mr. Haddock stated that the applicants understood that Historic Preservation Commission approval was required.

V. Discuss and Consider a Variance for a Setback at 65 Cherokee Road

Ms. Latham stated that the Board would remain in public hearing during discussion and voting.

Ms. Latham stated the hardship is that their home needs to be returned to a useful and historically accurate state, and that it results from conditons having to do with the zoning prior to Village incorporation.

Mr. Shriberg stated that Board is being asked to alleviate a hardship created by the Village.

Ms. Latham stated she was concerned about the laundry room addition, as there was no floor plan to see if it could be added somewhere else in the house and it is not of historical value.

Ms. Rothstein stated she agreed with the proposed changes.

Mr. Russell stated the if the Board accepts the logic that the ordinance created the hardship on the front of the house, then it must be accepted that the ordinance created a hardship on the side of the house.

Mr. Santowasso stated the request is asking to add a utility room that is desperately needed.

Upon a motion by Mr. Shriberg, seconded by Ms. Rothstein, the Board moved to approve the variance request for the property at 65 Cherokee Road, requesting a variance for 4 feet from the front setback and 2 foot 6 inch variance from one side setback from the property line and to enter the following into the record:

- 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.

Ms. Latham and Mr. Russell stated they would like to continue to discuss the request before voting. Mr. Cameron advised that the Mr. Shriberg discuss the findings of fact as it related to the motion.

Mr. Shriberg stated that the hardship comes from the setbacks being imposed on a home built before there was a development ordinance, based on the evidence that has been provided at the public hearing.

The Board voted to deny the request for a variance at 65 Cherokee Road by a vote of 3-2.

Roll Call Vote:

Mr. Shriberg	Approve
Mr. Russell	Deny
Mr. Santowasso	Approve
Ms. Rothstein	Approve
Ms. Latham	Deny

Ms. Latham stated she had an issue with the laundry room. She stated she sees hardship in owning a historical home that you cannot bring back to its former glory and sees hardship due to the work done by previous owners and how the house is sited on the lot. Ms. Latham stated she sees where a washer and dryer could go else where in the house and had not had the applicant satisfy why a laundry room variance is needed based on material evidence in front of the Board.

Mr. Russell stated concern that if the applicant wants to appeal, the Board will be faulted because of the logic that if the front setback variance is accepted, then the side setback variance should be accepted.

Upon a motion by Ms. Latham, seconded by Mr. Santowasso, the Board moved to approve the variance request for the property at 65 Cherokee Road for a variance for 4 feet from the front setback with the condition that the side yard setback variance not be granted, and enter the following into the record:

- A. The applicant provided testimony that unnecessary hardship would result from the strict application of the ordinance. The applicant provided testimony to provide a historic front entry to a historic home in Pinehurst, one of the first seven homes in the area;
- B. The applicant provided testimony that the hardship results from conditions that are peculiar to the property, such as the location within the Historic Preservation Overlay District and that the home was originally built and added on to in a manner that is non-conforming with current setback regulations;
- C. The applicant provided testimony that the hardship did not result from actions taken by the applicant or the property owner. The actions were taken by previous owners who had added on to the home in a manner that is non-conforming with current regulations;
- D. The applicant provided testimony that 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 home can now be restored to resemble the original front entry of the home from the 1895 era.

The Board unanimously approved the motion by a vote of 5-0.

Roll Call Vote:

Mr. Shriberg	Approve
Mr. Russell	Approve
Mr. Santowasso	Approve
Ms. Rothstein	Approve
Ms. Latham	Approve

VI. Public Hearing #2

Owner and applicant Donald Zeilstra was sworn into the public hearing by Ms. Latham.

Mr. Cameron explained the purpose of this public hearing is to receive testimony for a variance request from section 9.2a Tables of Dimensional Requirements for the property at 5 York Place, further identified by Moore County PID # 00017008. This property is located within the R-10 (High Density Residential) Zoning District. Specifically, the applicant and owners, Don and Betty Zeilstra are requesting a 5 foot variance on the 25' rear yard setback.

Mr. Cameron entered into the record the following documents included in the request: application, supplemental material, property survey, plat from 1974, staff report, written decision.

Mr. Zeilstra explained that he wanted to build a home on the lot.

Mr. Haddock explained that the property was originally recorded by Pinehurst Enterprises Diamondhead in the 1970's. He stated that when the Village of Pinehurst adopted the Pinehurst Development Ordinance (PDO), the setbacks changed and affected Mr. Zeilstra's property.

Mr. Haddock stated the hardship is designing and building a house that is suitable for the lot; he consulted with three architectural designers who were unable to design a suitable home.

Mr. Haddock provided a statement of his expert testimony as a civil engineer and builder.

Mr. Haddock explained that he provided the Board with the floor plans of two specs homes that are often built in the neighborhood, the Brownstone and the Driftwood. He provided a site plan showing both homes sited on the lot with setback lines. Mr. Haddock stated Brownstone could only be built on the property with a 5' foot setback.

Mr. Haddock stated when the lot was recorded by Diamondhead, the front and rear setbacks were 20 feet and the side setbacks were 10 feet. When Village adopted its PDO, the setbacks at the rear changed to 25 feet, the front setback changed to 30 feet, and the side setbacks changed to 15 feet. He stated the cul-de-sac affects this lot as it encroaches back into the lot.

Mr. Haddock explained that Mr. Zeilstra owns a home on the property next to the lot requesting a variance. He stated that Mr. Zeilstra's existing house is currently 10 feet over the current setback line as it was built before the PDO was adopted. He stated that 5 out of 8 houses on the same street are outside of the current setback lines.

Mr. Shriberg asked how the other houses in the neighborhood got a variance. Mr. Haddock stated that they did not receive a variance as they were built before the PDO was adopted in 1996. Mr. Cameron stated many homes on York Place were built between 1983-1994.

Mr. Santowasso noted that the property is covered with longleaf pines, especially around perimeter, and that they would likely be cut down. He asked if the applicant thought it necessary to add buffers to the side rear yard. Mr. Zeilstra stated he did not think it was necessary to provide more buffering. Mr. Haddock stated that you could not see the neighboring house from the back of the property.

Mr. Santowasso asked who drew the houses on the site plan. Mr. Haddock answered that surveyor Stephen Sheffield created the survey and placed the houses on the site plan.

Mr. Russell confirmed with Mr. Haddock that the Brownstone floor plan is what was being proposed to be built. Mr. Haddock stated the home would be 1900 square feet when the bonus room is completed.

VII. Discuss and Consider Variance for a Setback at 5 York Place.

Ms. Latham stated the Board received expert testimony that without this variance it would be impossible to build a home that meets 1800 square footage requirement in R-10 zoning district on this lot.

Mr. Santowasso stated there had been houses constructed on the street within the 25 foot setback; however, the properties were created in 1973 that preceded any official ordinance in the Village of Pinehurst.

Upon a motion by Mr. Santowasso, seconded by Ms. Rothstein, the Board moved to approve the variance request for the property at 5 York Place requesting a variance for a 5 foot variance on the 25' rear yard setback, further identified by Moore County PID # 00017008, located within the R-10 (High Density Residential) Zoning District with the following findings of fact and conclusions:

- A. Unnecessary hardship would result from the strict application of the ordinance.

- 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.
- 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 Board unanimously approved the request for a variance at 5 York Place by a vote of 5-0.

Roll call vote:

Ms. Latham	Yes
Ms. Rothstein	Yes
Mr. Shriberg	Yes
Mr. Russell	Yes
Mr. Santowasso	Yes

Upon motion by Mr. Santowasso, seconded by Ms. Rothstein, the Board unanimously moved to close the public hearing and enter into regular meeting by a vote of 5-0.

VIII. Review and Consider New Rules of Procedure.

The Board agreed to review and consider the Rules of Procedure at their next regular meeting.

IX. Next Meeting Date

August 1, 2019 at 4:30 pm (If the Board has business to conduct)

X. Motion to Adjourn

Upon a motion by Mr. Santowasso, the Board unanimously approved to adjourn the regular meeting at 6:27 pm by a vote of 5-0.

Respectfully Submitted,



Kelly Brown
Planning Administrative Assistant
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.