



Variance
(Revised 04/01/19)

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.

Property Address	
Street Address	5 Community Rd.
City, State, Zip Code	Pinehurst, NC 28374
Parcel ID #	24847, 10001345





Variance
(Revised 04/01/19)

Owner Information			
Name	Pinehurst, LLC (Resorts of Pinehurst)	Home Phone #	
Street Address	80 Carolina Vista	Mobile Phone #	910-986-3038
City, State, Zip Code	Pinehurst, NC 28374	Business Phone #	910-295-6811
Email	Calvin.Burkley@pinehurst.com		

Applicant			
Name	Calvin Burkley	Other Phone #	910-295-6811
Email	Calvin.Burkley@pinehurst.com	Street Address	80 Carolina Vista
Mobile Phone #	910-986-3038	City, State, Zip Code	Pinehurst, NC 28374

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	Request to be allowed one (1) wall sign that is 10 square feet.
Ordinance Section Reference	9.7.1.4.C Attached Sign Standards
Ordinance Text (Verbatim)	Wall Signs: Permitted Location: VC, VCP, VMX (VMU) Maximum Area: 6 sq. ft. Maximum Height: Shall not extend above roofline of building Other Requirements: -Shall only contain name and nature of business - Signs shall be professionally etched or printed

- When 6 inch maximum protrusion, bottom of sign shall be no less than 8 ft above grade
- Additional standards and allowances apply for multi-tenant developments according to provisions of Section 9.7.1.5

Maximum Number: 1 sign per street frontage per tenant



Variance
(Revised 04/01/19)

Description of unnecessary hardship that would result from the strict application of the ordinance	Please see attached description.
Description of how the hardship results from conditions that are peculiar to the property, such as location, size, or topography	Please see attached description
Description of how the hardship did not result from actions taken by the applicant or the property owner	Please see attached description
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	Please see attached explanation.

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: _____



**REQUEST FOR SIGN VARIANCE
FOR
THE MANOR INN**

1. Description of unnecessary hardship that would result from the strict application of the ordinance.

The PDO limits a wall sign in the Village Mixed Use (VMU) zoning district to 6 square feet per street frontage. This is the smallest wall sign requirement in the PDO and applies only to the Village Commercial (VC), Village Cottage Professional (VCP), and VMU districts. These districts have mainly pedestrian scaled streets and businesses located at the sidewalk or relatively close to the street. The Manor Inn is unusual in that it sits farther from the street, a condition that is exaggerated by being on the inside of the acutely angled intersection of Community Road and Magnolia Road. Whereas other businesses in the VMU district have wall signs that are 30'-50' off the street, the proposed sign for the Manor Inn, which would be located on the porte-cochere, is 90' from the street when measuring perpendicularly from the building. When measuring perpendicularly from Community Rd, proposed sign is over 60' from the street at its closest point, which is at an angle to the sign. A 6 square foot sign on the Manor will be less visible than an equal sign on a typical building in the area which is closer to the street.

Additionally, the Manor Inn has two street frontages which by ordinance allows one wall sign per frontage for a total allowable sign area of 12 square feet. The Manor Inn proposes to install only one sign of 10 square feet, which is 17% less than the combined allowable signage area. The size of the proposed sign was designed to complement the scale and style of the Manor Inn, which is arguably the tallest occupied structure in the zoning district.

2. Description of how the hardship results from conditions that are peculiar to the property, such as location, size, or topography.

The historic Manor Inn is located on the inside of the acutely angled intersection of Magnolia and Community Roads, two streets that were part of the original street design for Pinehurst. As a result of this and the building's size, the Manor was sited farther from the street than other structures typical of the neighborhood. A wall sign located on the Manor will be less visible than one of equal size on other buildings in the district because it is farther from the street.

3. Description of how the hardship did not result from actions taken by the applicant or property owner.

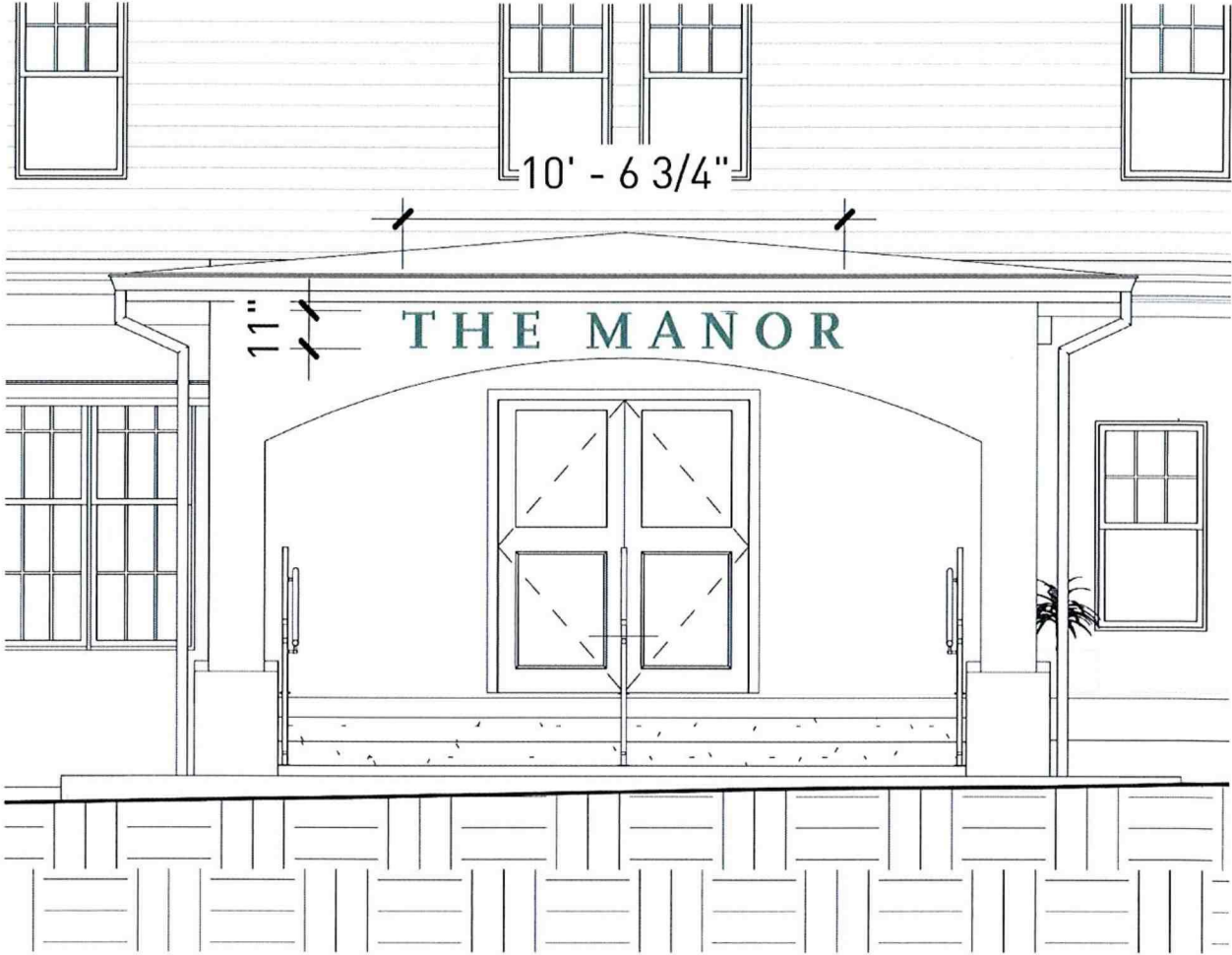
The Manor Inn was built in 1923 and is currently not under the original ownership. Recently the property has been renovated but the building footprint has remained the same. The siting of the structure and its proximity to the street are as they have been for almost 100 years.

4. 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 Manor Inn has two street frontages which by ordinance allows one wall sign per frontage for a total allowable sign area of 12 square feet. The Manor Inn proposes to install only one sign of 10 square feet, which is 17% less than the combined allowable signage area. The size of the proposed sign was designed to complement the scale and style of the Manor Inn, which is arguably the tallest occupied structure in the zoning district.

One purpose of the size of the sign is to make it more easily seen by people approaching the Manor from the Village Core on Magnolia Road. Many new guests will approach this way especially if directed there from the Carolina Hotel. Having a slightly larger sign will allow those people to identify the Manor sooner so they can anticipate the turn onto Community Rd.

The slightly larger sign would be in keeping with other signs in the zoning district. A quick inventory of other non-residential properties in the VMU district revealed existing wall signs ranging from approximately 8 square feet to 32 square feet (see attached).



PROPOSED SIGN (9.68 sq ft)

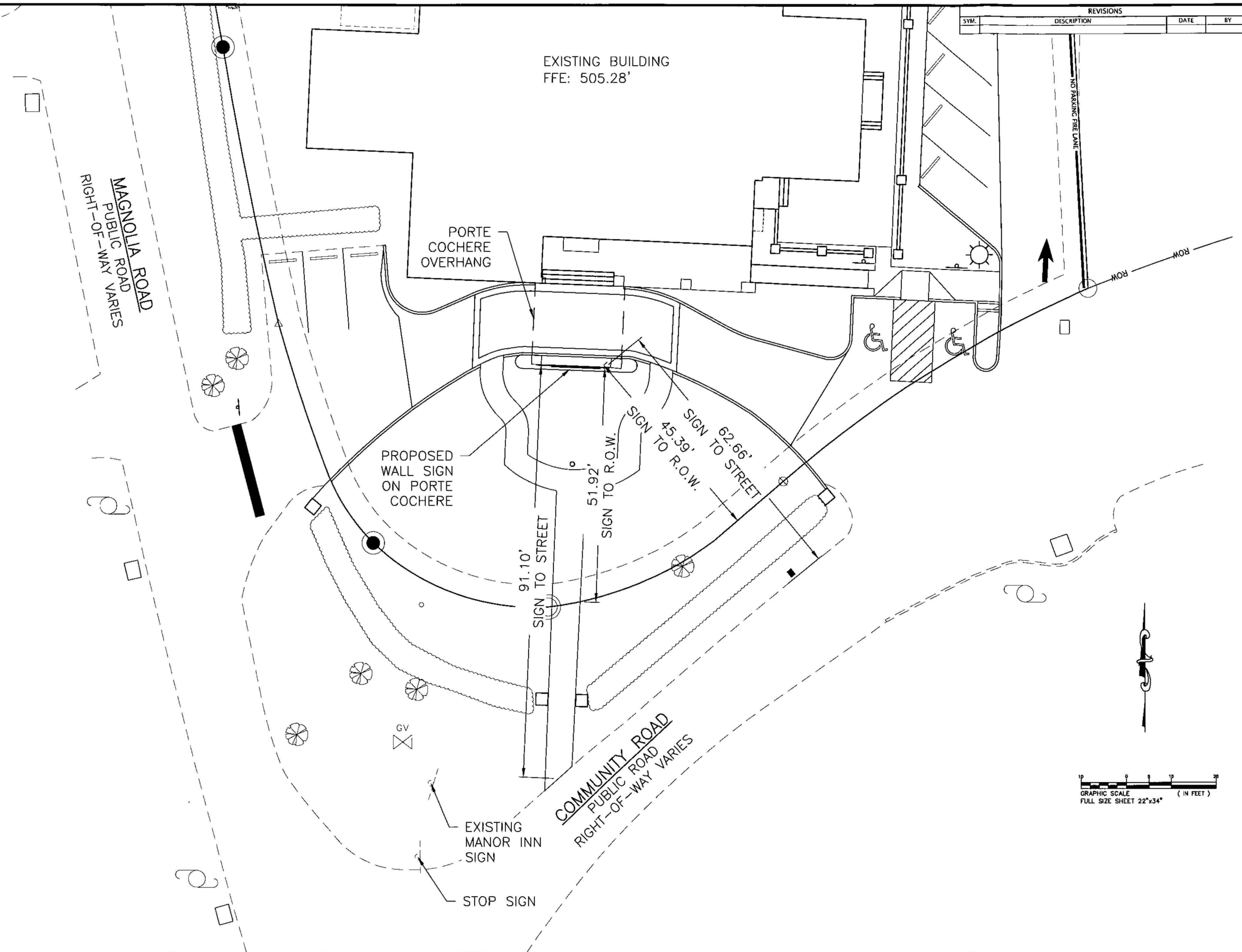


Pinehurst Brewing Company:

Sign Area: approx. 8 sq ft* (a variance was received for this wall sign)

Distance from Street: approx. 37'

* Sign areas are approximate based on field observation, photographic data, and typical dimensions of building materials.



EXISTING WALL SIGNS IN VMU DISTRICT:



Pinehurst Fire Station (former):

Sign Area:	approx. 8 sq ft*
Distance from Street:	approx. 40'



Hughes Plumbing:

Sign Area: approx. 12 sq ft*

Distance from Street: approx. 50'



Tater Barn:

Sign Area:	approx. 20 sq ft*
Distance from Street:	approx. 35'



Pinehurst Rescue Squad:

Sign Area: approx. 32 sq ft*

Distance from Street: approx. 37'

EXHIBIT 1

Statements from FirstHealth Outpatient Parking Lot golf cart volunteer drivers and Outpatient Registration staff.

"Need building name and number more prominently displayed. I am asked at least 3 to 4 times each shift if this is the Outpatient Building, or if I can confirm the building address so that they can be sure they are in the right place."

Volunteer 1

Drives two 4-hour shifts
each week since 2/12/18

"One large Outpatient sign on the white columns. I am asked if this is the right building (ie the address confirmation) at least once a day and sometimes more."

Volunteer 2

Drives one 4-hour shift
each week since 4/2/19

"I have been getting complaints from our patients because they cannot find the Outpatient Registration building. The complaint is that there isn't any signs or numbers on the building that states this is the Outpatient Registration. I've told them there is a sign before they make the turn into the Outpatient Registration department.

I was also asked why there is no sign on the building like the Reid Heart Center. If they have an appointment at the Reid Heart Center, they can find it. Patients even state that Pinehurst Medical Clinic have a sign. It might be small but they can find it.

This is a problem for most of our patients, especially the elderly who have to drive at night for an early appointment."

Linda Wray

Outpatient Registration Facilitator

EXHIBIT 3

Average weekday morning
traffic on Page Road North



EXHIBIT 4



SK 1

FLOOR:	OUTPATIENT
DATE:	JANUARY 2, 2020
FACILITY:	MOORE REGIONAL HOSPITAL
DRAWING TYPE:	LAYOUT

FirstHealth
MOORE REGIONAL HOSPITAL
www.firsthealth.org



FirstHealth Moore Regional Hospital

Outpatient Center/Registration

238 Page Road • Pinehurst

NOT TO SCALE



37.4 sq. ft.



Dimensional letters specifications

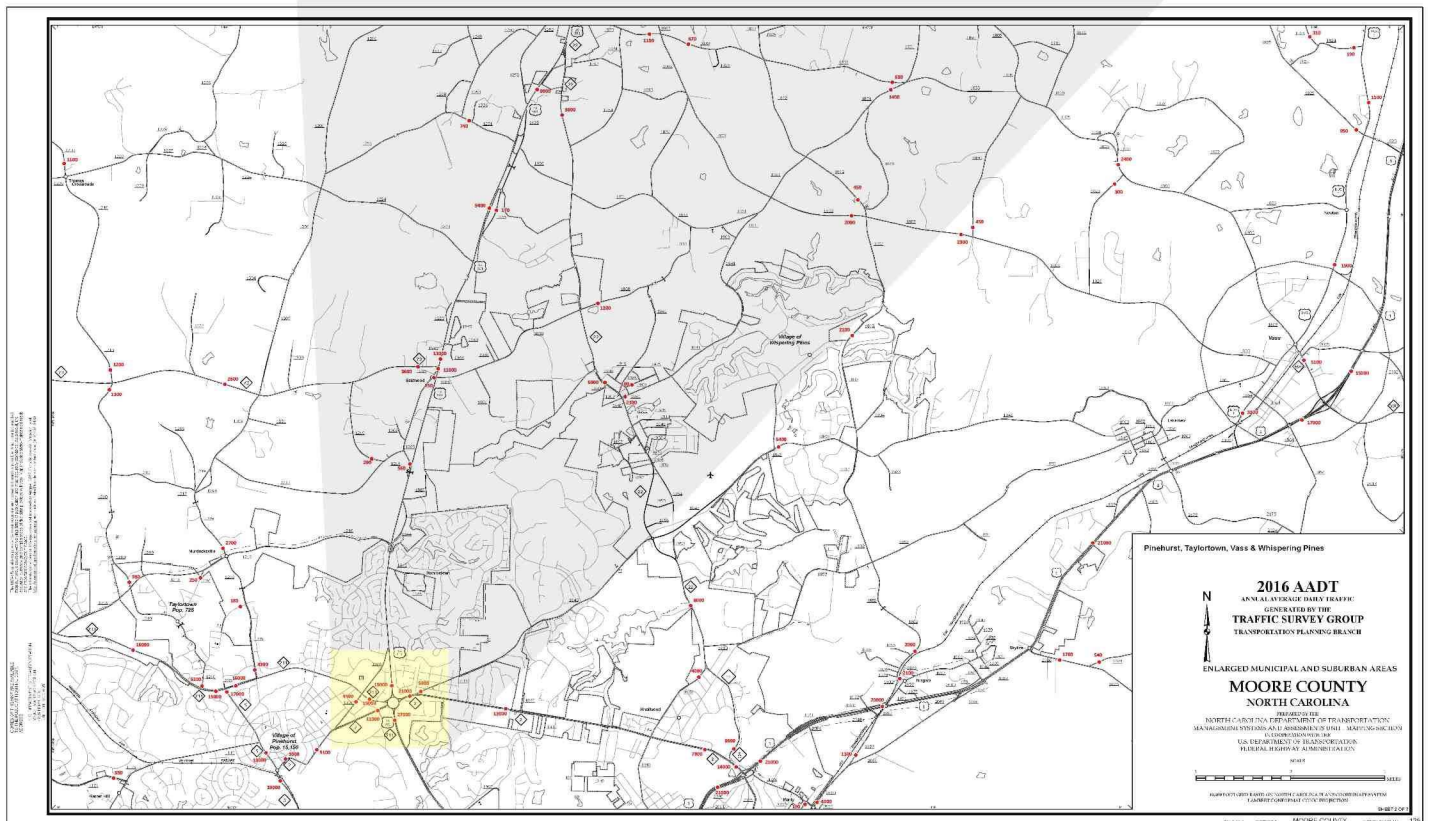
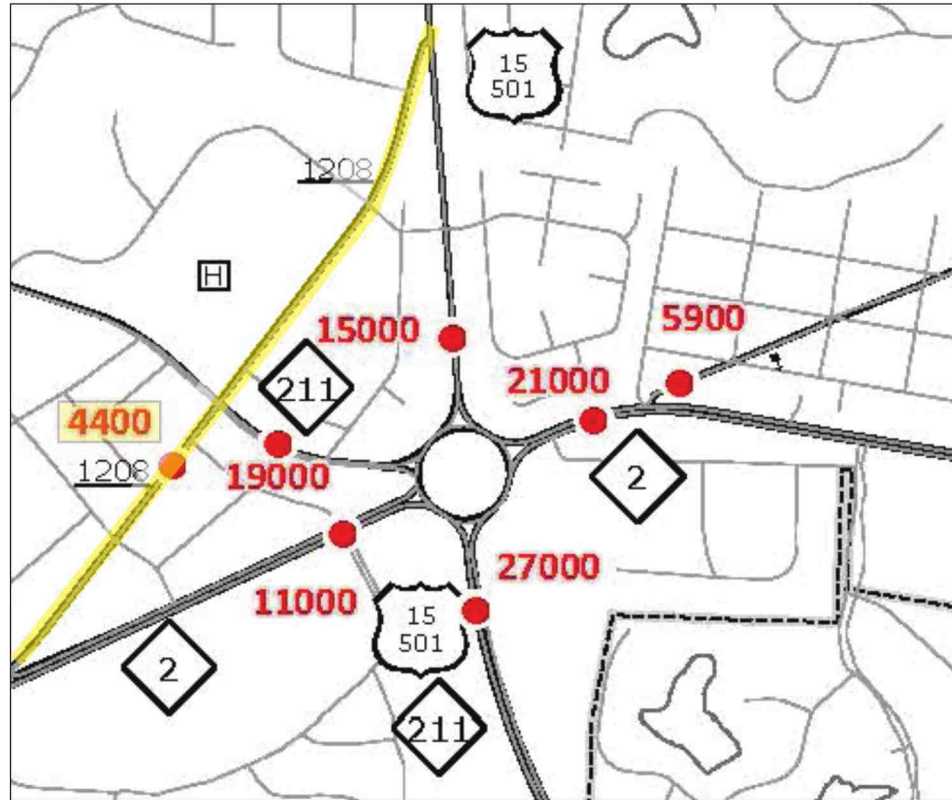
Substrate: Cellulose Acetate Butyrate

Letter Size: H-18"

Color: Painted Black

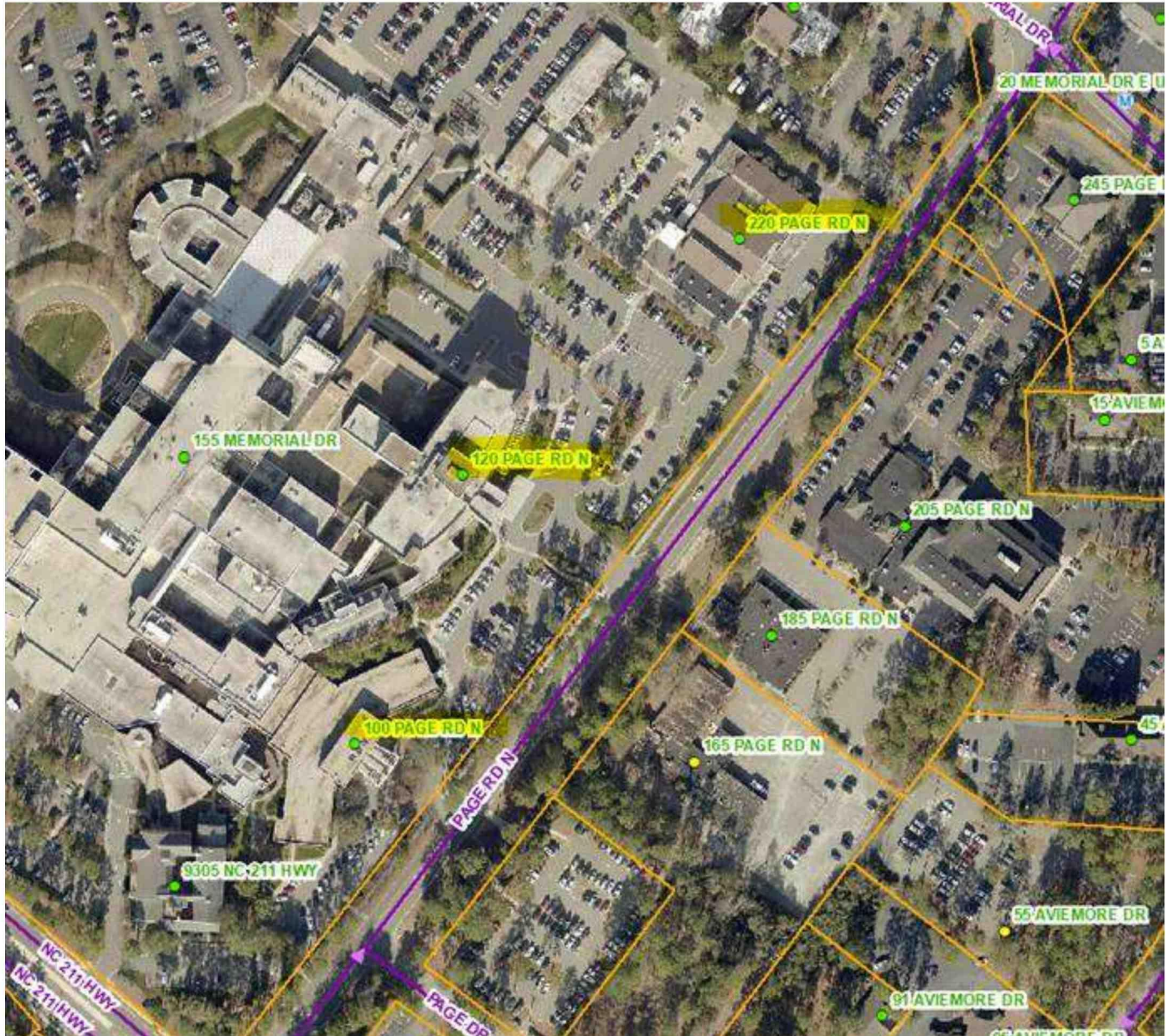
Mounting: Pad mount to steel with silicone

EXHIBIT 2



From: Rachel Smith <rwsmith@moorecountync.gov>
Sent: Monday, January 27, 2020 1:18 PM
To: Martin, Mike <MMartin@firsthealth.org>
Cc: Alex Cameron <acameron@vopnc.org>
Subject: RE: Map of First Health for addressing [*EXTERNAL*]

Addresses have been updated.



Rachel W. Smith
Moore County IT Department - GIS Division
(919) 947-1078



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.

Property Address	
Street Address	238 Page Road North
City, State, Zip Code	Pinehurst, NC 28374
Parcel ID #	00023475



Owner Information			
Name	FirstHealth of the Carolinas	Home Phone #	(910) 715-1979
Street Address	155 Memorial Drive	Mobile Phone #	
City, State, Zip Code	Pinehurst, NC 28374	Business Phone #	(910) 715-1482
Email	mmartin@firsthealth.org		

Applicant			
Name	Michael Martin	Other Phone #	(910) 715-1979
Email	mmartin@firsthealth.org	Street Address	30 Page Drive
Mobile Phone #	(910) 603-1433	City, State, Zip Code	Pinehurst, NC 28374

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	Dimensional letter building wall identification and address signs																		
Ordinance Section Reference	9.7.1.4																		
Ordinance Text (Verbatim)	(C) Attached Sign Standards <table border="1"> <thead> <tr> <th></th><th>Permitted Location</th><th>Maximum Area</th><th>Maximum Height</th><th>Other Requirements</th><th>Maximum Number</th></tr> </thead> <tbody> <tr> <td rowspan="3">Wall Signs</td><td>VC, VCP, VMX</td><td>6 sq ft</td><td rowspan="3">Shall not extend above roofline of building</td><td>Signs shall only contain name and nature of business</td><td rowspan="3">1 sign per street frontage per tenant</td></tr> <tr> <td>HD, NC, OP</td><td>225 sq. ft. In the HD on Buildings 3 stories or taller</td><td>Signs shall be professionally etched, or printed When 6 inch maximum protrusion, bottom of sign shall be no less than 8 ft above grade</td></tr> <tr> <td>H, PC, RD</td><td>24 sq ft</td><td>Additional standards and allowances apply for multi-tenant developments according to provisions of Section 9.7.1.5</td></tr> </tbody> </table>		Permitted Location	Maximum Area	Maximum Height	Other Requirements	Maximum Number	Wall Signs	VC, VCP, VMX	6 sq ft	Shall not extend above roofline of building	Signs shall only contain name and nature of business	1 sign per street frontage per tenant	HD, NC, OP	225 sq. ft. In the HD on Buildings 3 stories or taller	Signs shall be professionally etched, or printed When 6 inch maximum protrusion, bottom of sign shall be no less than 8 ft above grade	H, PC, RD	24 sq ft	Additional standards and allowances apply for multi-tenant developments according to provisions of Section 9.7.1.5
	Permitted Location	Maximum Area	Maximum Height	Other Requirements	Maximum Number														
Wall Signs	VC, VCP, VMX	6 sq ft	Shall not extend above roofline of building	Signs shall only contain name and nature of business	1 sign per street frontage per tenant														
	HD, NC, OP	225 sq. ft. In the HD on Buildings 3 stories or taller		Signs shall be professionally etched, or printed When 6 inch maximum protrusion, bottom of sign shall be no less than 8 ft above grade															
	H, PC, RD	24 sq ft		Additional standards and allowances apply for multi-tenant developments according to provisions of Section 9.7.1.5															



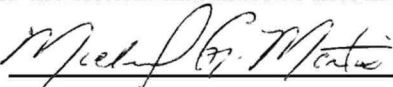
Description of unnecessary hardship that would result from the strict application of the ordinance	More than 136,000 patients entered Moore Regional Hospital through the Outpatient building in 2019, up from 134,000 a year earlier. Of those customers, more than 50 percent live outside of Moore County. Repeated customer feedback and surveys show a link between missed/late appointments and lack of building identification sign (Exhibit 1). Some drivers mistakenly park at Reid Heart Center. Failure to properly identify the building will make the situation worse as more traffic is added to Page Road North.
Description of how the hardship results from conditions that are peculiar to the property, such as location, size, or topography	A 2016 NCDOT County-Area Traffic Volume Maps report (Exhibit 2) showed 4,400 average daily vehicle trips on Page Road North. There is a 48-inch ground sign at the Outpatient entrance, but mature trees in the right of way coupled with traffic congestion makes these signs a challenge to see and read before reaching the decision point to turn (Exhibit 3).
Description of how the hardship did not result from actions taken by the applicant or the property owner	Using the current standard of 12-square-feet, the letter height would be 10.5 inches tall by 160 inches wide. According to the United States Sign Council, parallel signs on either side of a road are 30 percent more difficult to see/comprehend for a motorist than a perpendicular sign. A building more than 100 feet from a two-lane road would need 24-inch letter height. Our request is for 18-inch tall letters for a 140-foot setback. (Exhibit 4)
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	9.7.1.4(C) of the PDO allows FirstHealth to install a 48-foot wide awning on the building. The maximum sign area would be "50% of the awning area." That far exceeds what is needed to achieve the desired results. The current wall sign standard in this particular application is just too small for people to see on a very busy street in the medical district. Many drivers are mature adults with diminished eye sight. An 18-inch wall sign that can be read from the road will ease way finding.

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: January 3, 2020

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

VARIANCE FOR 5 COMMUNITY ROAD

February 6, 2020

**Resorts of Pinehurst, Inc.
Attn: Richard Higginbotham
PO Box 4000
Pinehurst, NC 28374
CC: Calvin Burkley**

RE: Variance request from section 9.7.1.4(C) of the Pinehurst Development Ordinance (PDO) Sign Regulations, Wall Signs maximum area for the property at 5 Community Road, further identified by Moore County PID # 00024847. This property is located within the R-10 (High Density Residential) Zoning District. within the VMU (Village Mixed Use) Zoning District. Specifically, the applicant and property owner, Resorts of Pinehurst, Inc., are requesting a variance from the 6 square foot maximum wall sign area to allow for a 10 square foot wall sign on the Manor Inn.

Dear Mr. Higginbotham and Burkley,

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 **February 6, 2020** where the board considered all evidence submitted by the parties and voted to **approve/deny** the variance request for property at **5 Community 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; (Board Findings)

(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; (Board Findings)

(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; (Board Findings)



- (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. (Board Findings)

Conditions (If imposed by the Board):

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 **6th** day of **February, 2020**.



HISTORY, CHARM, AND SOUTHERN HOSPITALITY_____

Julia Latham
Chair of the Board of Adjustment

DATE

Ruling filed with the Village of Pinehurst:

DATE

Kelly Brown
Clerk to the Zoning Board of Adjustment

I, Beth Dunn, Village Clerk a Notary Public for said Montgomery County and 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 _____.

Beth Dunn, Village Clerk
Notary Public
My Commission expires: _____

SEAL

Cc: Alex Cameron
Darryn Burich

PLANNING & INSPECTIONS

395 Magnolia Road • Pinehurst, NC 28374 • Telephone (910) 295-2581 • Fax (910) 295-1396 • www.vopnc.org

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

VARIANCE FOR 100 PAGE ROAD NORTH

February 6, 2020

**FirstHealth of the Carolinas, Inc.
Attn: Michael Martin
30 Page Drive
Pinehurst, NC 28374**

RE: Variance request from section 9.7.1.4(C) of the Pinehurst Development Ordinance (PDO) Sign Regulations, Wall Signs maximum area for the property at 100 Page Road North, further identified by Moore County PID # 00023475. This property is located within the HD (Hospital Development) Zoning District. Specifically, the applicant First Health of the Carolinas, is requesting a variance from the 12 square foot maximum wall sign area to allow for a 37.4 square foot wall sign at the entrance to the Outpatient Center.

Dear Mr. Martin,

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 **February 6, 2020** where the board considered all evidence submitted by the parties and voted to **approve/deny** the variance request for property at **100 Page Road North** 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; (Board Findings)

- (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; (Board Findings)

- (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; (Board Findings)



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. (Board Findings)

Conditions (If imposed by the Board):

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 **6th** day of **February, 2020**.



HISTORY, CHARM, AND SOUTHERN HOSPITALITY_____

Julia Latham
Chair of the Board of Adjustment

DATE

Ruling filed with the Village of Pinehurst:

DATE

Kelly Brown
Clerk to the Zoning Board of Adjustment

I, Beth Dunn, Village Clerk a Notary Public for said Montgomery County and 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 _____.

Beth Dunn, Village Clerk
Notary Public
My Commission expires: _____

SEAL

Cc: Alex Cameron
Darryn Burich

PLANNING & INSPECTIONS

395 Magnolia Road • Pinehurst, NC 28374 • Telephone (910) 295-2581 • Fax (910) 295-1396 • www.vopnc.org



**BOARD OF ADJUSTMENT
THURSDAY, DECEMBER 5, 2019
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
4:30 PM**

IMMEDIATELY FOLLOWING PLANNING & ZONING BOARD MEETING

Board Members Present:

Julia Latham, Chair
Leo Santowasso, Vice Chair
Joel Shriberg
Cyndie Burnett
Jeramy Hooper, Alternate

Board Members Absent:

David Kelley

Staff Present:

Darryn Burich, Planning and
Inspections Director
Alex Cameron, Senior Planner
Kelly Brown, Administrative
Assistant

I. Call to Order

Ms. Latham confirmed that a quorum was present and called the meeting to order at 4:30 pm.

II. Approval of Minutes

- November 7, 2019 Regular Meeting Minutes

Motion: Mr. Santowasso moved to approve the November 7, 2019 regular meeting minutes.
Seconded by Ms. Burnett. Motion carried by a vote of 5-0.

III. Public Hearing No. 1

Motion: Mr. Santowasso moved to recess the regular meeting and enter into Public Meeting No. 1. Seconded by Ms Burnett. Motion carried by a vote of 5-0.

The following were sworn into the meeting by Ms. Latham: Senior Planner Alex Cameron and owners/applicants George and Kathy Greenwood.

Mr. Hooper disclosed that he had brief ex parte communication with Kathy Greenwood. He stated it would not affect his impartiality and that he had no personal or economic interest in the outcome of this case.

Mr. Cameron stated the purpose of the public hearing was to receive testimony for a variance request from section 9.2a Tables of Dimensional Requirements for the property at 80 Rockland Lane, further identified by Moore County PID # 00019256. This property is located within the R-10 (High Density Residential) Zoning District. Specifically, the applicant and owners, George and Kathleen Greenwood, were requesting a 15 foot variance from the 30 foot golf course setback. Mr. Cameron provided background on the property and the variance request.

Mr. Cameron entered the following documents into the record: staff report, application, existing survey, survey with proposed setback, house elevations, house floor plans, site photos, letter from Pinehurst Resort, original subdivision plat, and finding of fact.

Mr. Greenwood stated the property had a unique shape, long on one end and short on the other. He stated the designer created a modest sized home that was in keeping with the rest of the neighborhood. He stated that the Carolina room on the south end of the house is considerably small due to the limits imposed by the setbacks of the golf course. Mr. Greenwood stated the current setback requirements create a hardship in allowing him to create a fully functional room for capturing views of the course. He also stated having two 30' foot setbacks does create hardships in the design of the house. Mr. Greenwood received a letter from the Pinehurst Resort's Director of Golf Course Ground Management indicating no objection to a reduced setback on the south side of the property. He stated his property has one adjoining neighbor on the north side and golf course on the others, so his variance request would have little to/no effect on the neighborhood. He stated if his property had adjoined another residential lot, it would only have 15 foot setback and he would not be making this variance request. As shown on the submitted plans, Mr. Greenwood stated they were not planning on utilizing entire setback request for the Carolina room.

Ms. Burnett questioned how far into the setback they were planning on going for the Carolina room. Mr. Greenwood answered that they want to bring out it about ten feet, or an additional 110-120 square feet into the current setback. Upon question by Mr. Hooper, Mr. Greenwood confirmed the patio would go away completely. Mr. Greenwood confirmed that the current size of the Carolina room is eight-by-ten feet.

Mr. Hooper questioned if the Greenwoods approached Pinehurst Resort about purchasing additional property in the setback, and Mr. Greenwood stated they did not since it was golf course property.

Upon question by Mr. Santowasso, Mr. Greenwood stated the 30 foot front yard setback was an estimate drawn by himself, not the designer, and the building would stay within the road/front setback. Mr. Cameron added that any encroachments would be caught by permitting.

Upon question by Mr. Santowasso, Mr. Greenwood confirmed there were a couple of steps coming off the Carolina room. Mr. Cameron stated that steps can intrude three feet into a setback, and that if the variance request were granted, then the steps would be compliant. He stated that the 30 foot front setback depicted on the site plan was not surveyed, but meant to be informative.

Mr. Santowasso discussed the possibility of shifting the lines of the Carolina room to match the back line of the house to avoid the front setback, and Mr. Greenwood acknowledged this. Mr. Greenwood stated they are trying to avoid having steps. Some Board members expressed concern that the building would encroach the front setback.

Upon question by Mr. Santowasso, Mr. Greenwood acknowledged that a house could be built on the site without a Carolina room.

Resident Jim Sloan of 395 Doral Drive made a public comment; he was not sworn into the meeting.

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

The Board briefly discussed the variance request.

Motion: Ms. Burnett moved to approve the variance request for the property at 80 Rockland Lane with the following findings of fact and conclusions of law. Seconded by Mr. Shriberg. Motion carried by a vote of 5-0.

- 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;

Due to the size of the lot, position of the lot on the golf course, and the two 30 foot setbacks.

- 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;

Which is the two 30 foot setbacks and the fact they are going to maintain a traditional 15 foot setback, and no significant portion of the golf course will be affected by shortening the setback.

- 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.

Roll Call

Ms. Burnett	<i>Aye</i>
Mr. Santowasso	<i>Aye</i>
Mr. Shriberg	<i>Aye</i>
Mr. Hooper	<i>Aye</i>
Ms. Latham	<i>Aye</i>

IV. General Business

A. Adoption of the 2020 BOA Meeting Schedule

Motion: Mr. Santowasso moved to approve the submitted 2020 Board of Adjustment schedule. Seconded by Ms. Burnett. Motion carried by a vote of 5-0.

V. Next Meeting Date

Regular Meeting on January 2, 2020 (If the Board has business to conduct)

VI.

Motion to Adjourn

Motion: Ms. Burnett moved to adjourn the meeting. Seconded by Mr. Santowasso. Motion carried by a vote of 5-0 at 5:14 pm.

Respectfully Submitted,

Kelly Brown
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.



PLANNING AND INSPECTIONS DEPARTMENT STAFF REPORT

To: Zoning Board of Adjustment
From: Alex Cameron, Senior Planner
CC: Darryn Burich, Planning and Inspections Director
Kelly Brown, Administrative Specialist
Date: January 29, 2020
Subject: Variance Request for 100 Page Road N (FirstHealth Outpatient Center)

Applicant:	FirstHealth of the Carolinas, Inc.
Owners:	FirstHealth of the Carolinas, Inc.
Property Location:	100 Page Road N
Zoning:	HD (Hospital Development District)
Maximum Wall Sign Area:	12 square feet
Proposed Wall Sign Area:	Approximately 37.4 square feet
Current Land Use:	Hospital
PID#	00023475

Request and Background:

This request is to vary the 12 square foot maximum wall sign area in the HD Zoning District and allow for a wall sign approximately 37.4 square feet attached to the building entrance of the Outpatient Center of FirstHealth Moore Regional Hospital. The Pinehurst Development Ordinance (PDO) states that wall signs are permitted as an attached sign in the HD district. The PDO also allows for one wall sign per street frontage per tenant. The subject area is located on the approximately 86.35 acre property encompassing the hospital campus. The Outpatient Center is located on the Page Road N side of the campus between adjacent to the Reid Heart Center and approximately 460 linear feet from the intersection with NC Hwy 211. Records from the Moore County Register of Deeds and Tax Department indicate that the property and hospital campus was acquired by the current owner (FirstHealth of the Carolinas, Inc.) from Moore Regional Hospital, Inc. in a corporate merger in October of 1997.

The Hospital Development District is established as a district in which the principal use of land is for hospitals, surgical centers or other health professional services and their supporting uses. This district is further intended to encourage the development of regional and community-wide providers of health care services while minimizing any adverse impacts on neighboring residential and historic areas.

The proposed sign is shown to be placed over the entrance of the Outpatient Center and attached to the front protrusion of the partially covered entry and drop off. The front entrance faces Page Road North and is approximately 140 feet from the turn lane (see submitted site plan Exhibit 4.) The proposed sign's dimensions as depicted on Exhibit 5 are 18" by 24'-11" and is proposed to be dark lettering. The proposed color is within the Village's color palette and deemed to be muted in color. The submitted Exhibits (5 and 7) also indicate proposed signage identifying the address of the building. Per section 9.7.1.6 (G) the PDO, these such signs are identified as Occupant/Street Number Signs and do not require a permit. Thus, this proposed signage is not part of the requested variance. During the review of this request, an addressing sequence issue was discovered. Moore County E-911 Addressing worked with the property owner and the Outpatient Center was given a new address of 100 Page Road North (see Exhibit 8.)

Adjacent Land Use and Zoning		
Area	Existing Uses	Zoning
North	Medical Office and Hospital Campus	OP and HD
South	Single Family Residential (across NC Hwy 211) and Medical Office	R-10 with Local Historic Preservation District Overlay and HD
East	Medical Office and Future Cancer Center	OP and HD-CD
West	Hospital Campus	HD

In addition to this staff report (Exhibit 8), the applicant has submitted the following to be submitted as evidence for review and consideration by the Zoning Board of Adjustment and made part of the record:

- Statements of Volunteers and Staff (Exhibit 1)
- 2016 NCDOT County-Area Traffic Volume Map (Exhibit 2)
- Photos of Weekday Morning Traffic on Page Road N (Exhibit 3)
- Site plan (Exhibit 4)
- Proposed Sign Rendering (Exhibit 5)
- Application for Variance (Exhibit 6)
- Updated Address Map from Moore County E-911 Addressing (Exhibit 7)

Variance Process:

The Variance Process is intended to provide relief from the zoning requirements of the Pinehurst Development Ordinance (PDO) in those cases where strict application of a particular zoning requirement will create a practical difficulty or unnecessary hardship prohibiting the use of land in a manner otherwise allowed under the PDO. It is not intended that variances be granted merely to remove inconveniences or financial burdens that the zoning requirements of the PDO may impose on property owners in general. Rather, it is intended to provide relief where the zoning requirements of the PDO render the land difficult or impossible to use because of some unique physical attribute of the property itself, or some other factor unique to the property for which the variance is requested.

Action by the Zoning Board of Adjustment:

In considering the application, the Zoning Board of Adjustment shall review the application materials, the general purpose and standards set forth in 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 to a specified date, time and place 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 4/5 of the 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.

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:

- Area Zoning Map
- Aerial Map
- Adjacent Property Owner Notification
- Labels of property owners notified
- Map of adjacent property owners

Area Zoning Map



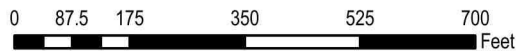
Legend

- Structures
- Subject Property
- Streets

Zoning

Zoning Code

- R8 - Residential
- R10 - Residential
- R20 - Residential
- HD - Hospital Development
- OP - Office & Professional

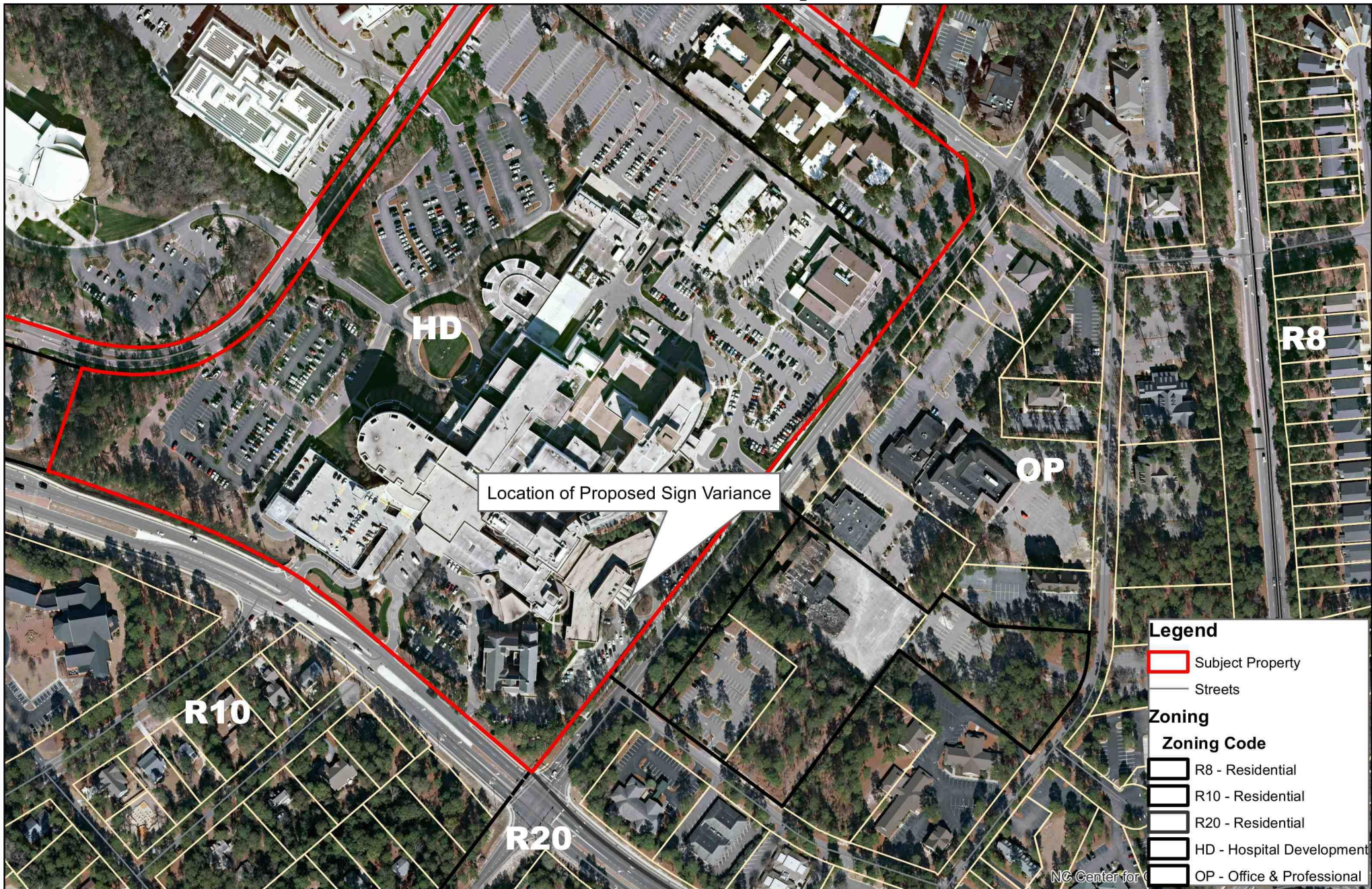


Village of Pinehurst Disclaimer: It is understood that the data contained herein is subject to constant change and that its accuracy cannot be guaranteed. The maps have been created from information provided by various government and private sources at various levels of accuracy. The data is provided 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). PineHurstBaseMap8_5x11_Landscape.mxd 1/23/2020

February 6, 2020
Zoning Board of Adjustment
Variance Hearing



Aerial Map



0 87.5 175 350 525 700 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). Please\Bases\Map8_5x11_Landscape.mxd 1/23/2020

February 6, 2020
Zoning Board of Adjustment
Variance Hearing





HISTORY, CHARM, AND SOUTHERN HOSPITALITY

**NOTICE OF PUBLIC HEARING
VILLAGE OF PINEHURST**

Dear Property Owner:

The Village of Pinehurst Board of Adjustment will be holding a Public Hearing on:

Thursday, February 6, 2020

4:30 PM

(Immediately following the Planning and Zoning Board Meeting)

Pinehurst Village Assembly Hall

395 Magnolia Rd. Pinehurst, NC 28374

The purpose of the public hearing is to receive testimony for a variance request from section 9.7.1.4(C) Sign Regulations, Wall Signs maximum area for the property at 238 Page Rd. N., further identified by Moore County PID # 00023475. This property is located within the HD (Hospital Development) Zoning District. Specifically, the applicant First Health of the Carolinas, is requesting a variance from the 12 square foot maximum wall sign area to allow for a 37.4 square foot wall sign. The applicant is First Health of the Carolinas, Inc. and the property owner is First Health of the Carolinas, Inc and Pinehurst Surgical Clinic Realty, LLC.

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

ZINGELMANN, CECILIA O
ZINGELMANN, MARK KRISTIAN &
OTHER
10 MOORE DRIVE
PINEHURST NC 28374

JOHNSON, RICHARD E
JOHNSON, NICOLE
3 ICE COURT
PINEHURST NC 28374

GRAY, JOHN S
GRAY, GAIL L
20 WHEELING DRIVE
PINEHURST NC 28374

MCCORMICK, FLORENCE E
2 MOORE DR
PINEHURST NC 28374

GOSSMAN, F JOSEPH
BISHOP ROMAN CATHOLIC DIOCESE
7200 STONEHENGE DR
RALEIGH NC 27613

DIBIANCA, BRANDON & NICOLE
92-831 MAKAKILO DR
KAPOLEI HI 96707-4301

BRECHTELSBAUER, ANNE B
PO BOX 2209
PINEHURST NC 28374

FIRSTHEALTH OF THE CAROLINAS, INC
PO BOX 3000
PINEHURST NC 28374-3000

MCLEAN, MICHAEL R
MCLEAN, ANNE R
40 MCFARLAND RD
PINEHURST NC 28374

COUNTY OF MOORE
PO BOX 905
CARTHAGE NC 28327

CLOUD, JEFFREY J
8 RUTLEDGE LN
PINEHURST NC 28374

PINEHURST SURGICAL & MEDICAL
PARTNERSHIP, LLC
PO BOX 1133
SOUTHERN PINES NC 28388

WOODARD, BERRY E
1795 LONGLEAF DR E
PINEHURST NC 28374

PINEHURST MEDICAL GROUP, LLC
205 PAGE RD
PINEHURST NC 28374

SCHMIDT, WENDY L
60 WHEELING DRIVE
PINEHURST NC 28374

SANDHILLS PRIME REAL ESTATE, LLC
PO BOX 3013
PINEHURST NC 28374

VILLAGE OF PINEHURST
395 MAGNOLIA RD
PINEHURST NC 28374

PINEHURST MEDICAL GROUP, LLC
205 PAGE RD
PINEHURST NC 28374

FIRST HEALTH OF THE CAROLINAS,
INC
PO BOX 3000
PINEHURST NC 28374

PINEHURST SURGICAL & MEDICAL
PARTNERSHIP, LLC
PO BOX 1133
SOUTHERN PINES NC 28388

HAUCK, CARISSA JO
1409 W HIGHLINE LANE
SPOKANE WA 99201

PINEHURST MEDICAL GROUP, LLC
205 PAGE RD
PINEHURST NC 28374

PINEHURST MEDICAL GROUP, LLC
205 PAGE RD
PINEHURST NC 28374

MOORE MEMORIAL HOSPITAL
HEALTHCARE CORP
PO BOX 3000
PINEHURST NC 28374

PINEHURST NEUROLOGY PROPERTIES
PO BOX 1749
PINEHURST NC 28374

ZINGELMANN, CECILIA O
ZINGELMANN, MARK KRISTIAN &
OTHER
10 MOORE DRIVE
PINEHURST NC 28374

FIRSTHEALTH OF THE CAROLINAS,
INC
PO BOX 3000
PINEHURST NC 28374

HALL, KENNETH O & MELISSA D
80 WHEELING DR
PINEHURST NC 28374

FIRSTHEALTH OF THE CAROLINAS,
INC ATTN: CORPORATE FINANCE
PO BOX 3000
PINEHURST NC 28374

PINEHURST MEDICAL GROUP, LLC
205 PAGE RD
PINEHURST NC 28374

MELTON, DUSTIN
215 CLEARFIELD DRIVE
ROCKINGHAM NC 28379

PMC REAL ESTATE, LLC
185 PAGE ROAD
PINEHURST NC 28374

TOBIAS, EMANUEL PAUL
TOBIAS, MOLLIE BETH
50 WHEELING DRIVE
PINEHURST NC 28374

PINEHURST MEDICAL GROUP, LLC
205 PAGE RD
PINEHURST NC 28374

SANDHILLS CENTER FOR
MENTAL HEALTH
PO BOX 9
WEST END NC 27376-0009

PINEHURST MEDICAL GROUP, LLC
205 PAGE RD
PINEHURST NC 28374

REGENSBURG, MARY-STEWART
3 INNISBROOK PL
PINEHURST NC 28374-6955

PINEHURST MEDICAL GROUP, LLC
205 PAGE RD
PINEHURST NC 28374

MOORE COUNTY
PO BOX 905
CARTHAGE NC 28327-0905

MCLEAN, MICHAEL R
MCLEAN, ANNE R
40 MCFARLAND RD
PINEHURST NC 28374

DI NARDI, RICHARD ALBERT
107 RHYAN COURT
SOUTHERN PINES NC 28387

BARNHARDT, W J
PO BOX 937
ROCKINGHAM NC 28380

LENSER, NOELLE
1775 E LONGLEAF DRIVE
PINEHURST NC 28374

PINEHURST SURGICAL & MEDICAL
PARTNERSHIP, LLC
PO BOX 1133
SOUTHERN PINES NC 28388

VILLAGE OF PINEHURST
395 MAGNOLIA RD
PINEHURST NC 28374-9130

LENSER, NOELLE
1775 E LONGLEAF DRIVE
PINEHURST NC 28374

PINEHURST MEDICAL PLAZA, LLC
30 MEMORIAL DR
PINEHURST NC 28374-8707

SCOP PROPERTIES LLC
ATTN: MARTHA GRANT
PINEHURST NC 28374

HODGE, JAY
604 WATSON RD
CHERAW SC 29520

FISHER, ROBERT L
14 MOORE DR
PINEHURST NC 28374

HOWERY, MICHAEL LEE
HOWERY, JUANTINA KAY
35 MCFARLAND ROAD
PINEHURST NC 28374

VILLAGE OF PINEHURST
395 MAGNOLIA RD
PINEHURST NC 28374

PINEHURST MEDICAL GROUP, LLC
205 PAGE RD
PINEHURST NC 28374

SAWYER, SHELBY L
SAWYER, CAROLELIZABETH
1 ICE COURT
PINEHURST NC 28374

DENNIS, JAMES C & PATRICIA W
1785 LONGLEAF DRIVE EAST
PINEHURST NC 28374

FIRSTHEALTH OF THE CAROLINAS,
INC
PO BOX 3000
PINEHURST NC 28374

PINEHURST, INC
CLUBCORP
PO BOX 4000
PINEHURST NC 28374-4000

YOUNG, SARAH MARIE
6 MOORE DRIVE
PINEHURST NC 28374

PINEHURST SURGICAL CLINIC
REALTY, LLC
PO BOX 2000
PINEHURST NC 28370

SMITH, TIMOTHY SCOTT
SMITH, AMY MICHELLE
70 WHEELING DRIVE
PINEHURST NC 28374

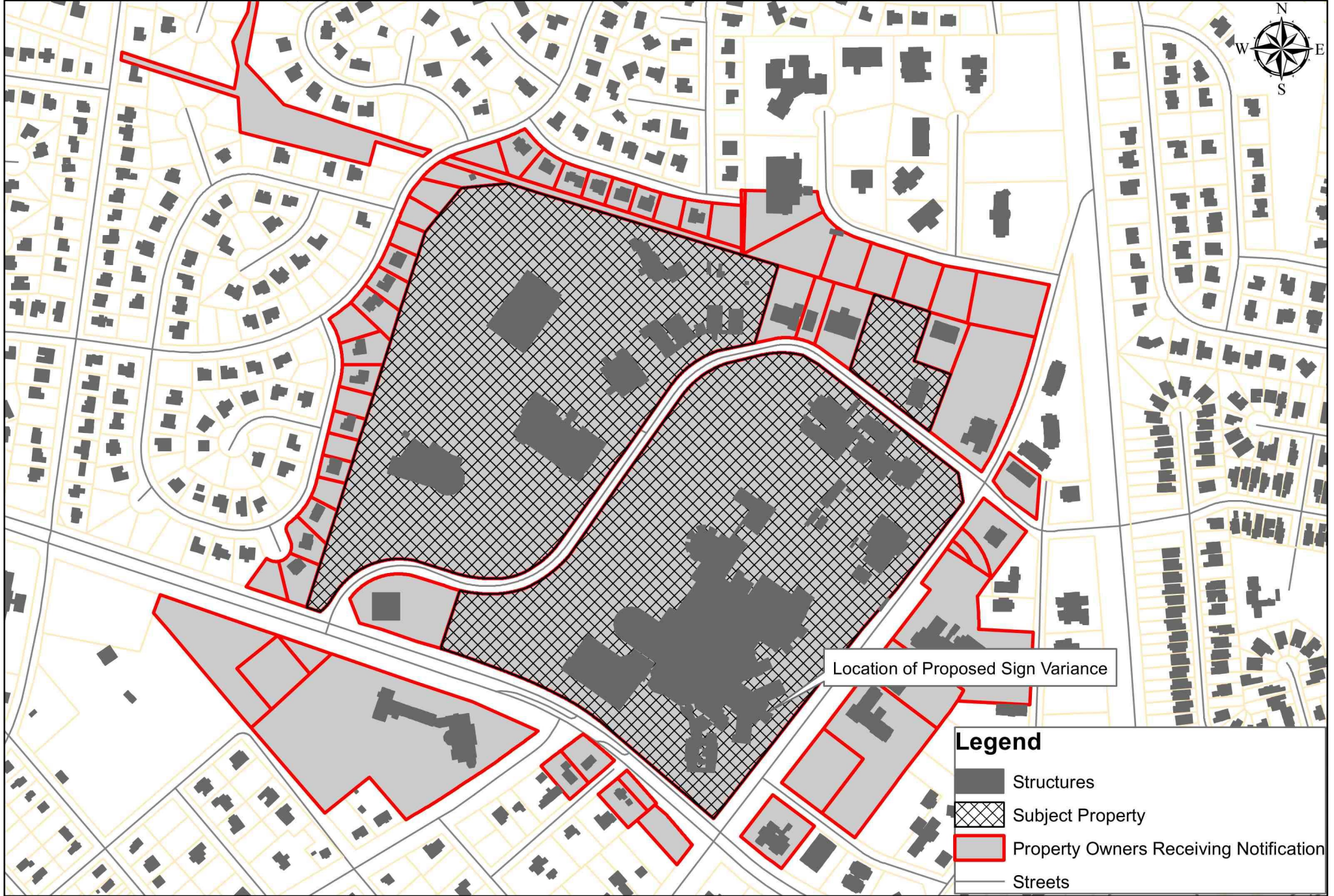
CEDAR REAL ESTATE COMPANY, LLC
4682 NORTH RIDGE DR
WEST BLOOMFIELD MI 48323

MCCABE, MARY ANN &
THORESEN, JEAN
243 CHURCH ST
WILLIMANTIC CT 06226-2627

VILLAGE OF PINEHURST
395 MAGNOLIA RD
PINEHURST NC 28374-9130

PULEO, JOEL G
PULEO, ELLEN A
70 MEMORIAL DR
PINEHURST NC 28374-8707

GAZAWAY, JEFFREY DAVID
GAZAWAY, ABBY HANES
10 WHEELING DRIVE
PINEHURST NC 28374



0 150 300 600 900 1,200 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). Please\Bases\Map8_5x11_Landscape.mxd 1/21/2020

February 6, 2020 Zoning Board of Adjustment Variance Hearing





PLANNING AND INSPECTIONS DEPARTMENT STAFF REPORT

To: Zoning Board of Adjustment
From: Alex Cameron, Senior Planner
CC: Darryn Burich, Planning and Inspections Director
Kelly Brown, Administrative Specialist
Date: January 28, 2020
Subject: Variance Request for 5 Community Road (Manor Inn)

Applicant:	Resorts of Pinehurst, Inc.
Owners:	Resorts of Pinehurst, Inc.
Property Location:	5 Community Road
Zoning:	VMU (Village Mixed Use)
Zoning Overlay:	Local Historic Preservation District (LHD)
Maximum Wall Sign Area:	6 square feet
Proposed Wall Sign Area:	Approximately 10 square feet
Current Land Use:	Lodging
PID#	00024847

Request and Background:

This request is to vary the 6 square foot maximum wall sign area in the VMU Zoning District and allow for a wall sign approximately 10 square feet on the front façade of the Manor Inn. The Pinehurst Development Ordinance (PDO) states that wall signs are permitted as an attached sign in the VMU District. The PDO also allows for one wall sign per street frontage per tenant. The subject property is located at the intersection of Magnolia Road and Community Road giving it two street frontages along both roads (see attached maps). The property is approximately .929 acres in size, or approximately 40,467 square feet, and is the site of The Manor Inn which was built circa 1923. Records from the Moore County Register of Deeds indicate that the property was purchased by an entity of the current owner in September of 1986.

The Village Mixed-Use District is established as a pedestrian-scaled district which caters to the everyday needs of nearby neighborhoods. This district allows a mixture of primary land uses within the same building and development site and emphasizes accessibility by automobiles, bicycles, and pedestrians. As noted above, the subject property is located within the Local Historic Preservation District (LHD.) The establishment of Historic Preservation Districts is for the purpose of preserving the Village's heritage; safeguarding its character by preserving the district as a whole and any property

therein that embodies important elements of its social, economic, cultural, political, or architectural history. The establishment of the Historic Preservation district is also for the purpose of promoting the conservation of such districts for the education, pleasure, and enrichment of residents of the district, the Village, and others; for the purpose of fostering civic beauty; and for the purpose of stabilizing and enhancing property values throughout the district as a whole, thus contributing to the improvement of the general health and welfare of the Village and the residents of the district. Any proposed signs must be reviewed by Village staff or the Historic Preservation Commission (HPC) and a Certificate of Appropriateness (COA) be issued for such signage. A COA cannot be issued by either staff or the HPC unless such request meets the standards of the PDO and the proposed sign is determined to meet the Historic District Guidelines as determined by staff or the HPC.

The proposed sign is shown to be placed over the front entrance of the Manor Inn, which is under an overhang of a porte cochere. The front entrance faces the intersection of Magnolia and Community Road and is approximately 91 feet from the intersection, 52 feet from the edge of the right-of-way and 62 feet from the Community Road street side (see submitted site plan Exhibit E.) The proposed sign's dimensions as depicted on Exhibit C are 10' - 6 ¾" by 11" and is proposed to be dark lettering. The proposed color is within the Village's color palette and deemed to be muted in color and would not materially damage the façade of the structure, as required by the PDO and the Historic District Guidelines. Historically, there has been no wall signage on the structure.

Adjacent Land Use and Zoning		
Area	Existing Uses	Zoning
North	Utilities (CenturyLink and Moore County)	VMU and LHD
South	Single Family Residential and Lodging	R-10, VC and LHD
East	Professional Offices and Institutional	VMU and LHD
West	Single Family Residential	R-10 and LHD

In addition to this staff report (Exhibit K), the applicant has submitted the following to be submitted as evidence for review and consideration by the Zoning Board of Adjustment and made part of the record:

- Application for Variance (Exhibit A)
- Applicant's description of hardship for the Standards of Review (Exhibit B)
- Elevation of the proposed sign (Exhibit C)
- Rendering of the proposed sign (Exhibit D)
- Site plan (Exhibit E)
- Photos of existing signs nearby located within the Local Historic District and the VMU Zoning District
 - Photo of Old Pinehurst Fire Station existing sign (Exhibit F)
 - Photo of Pinehurst Brewery (Exhibit G)
 - Photo of Tater Barn (Exhibit H)
 - Photo of Hughes Plumbing (Exhibit I)
 - Photo of Rescue Squad Station (Exhibit J)

Variance Process:

The Variance Process is intended to provide relief from the zoning requirements of the Pinehurst Development Ordinance (PDO) in those cases where strict application of a particular zoning requirement will create a practical difficulty or unnecessary hardship prohibiting the use of land in a manner otherwise allowed under the PDO. It is not intended that variances be granted merely to remove inconveniences or financial burdens that the zoning requirements of the PDO may impose on property owners in general. Rather, it is intended to provide relief where the zoning requirements of the PDO render the land difficult or impossible to use because of some unique physical attribute of the property itself, or some other factor unique to the property for which the variance is requested.

Action by the Zoning Board of Adjustment:

In considering the application, the Zoning Board of Adjustment shall review the application materials, the general purpose and standards set forth in 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 to a specified date, time and place 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 4/5 of the 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.

Standards of Review

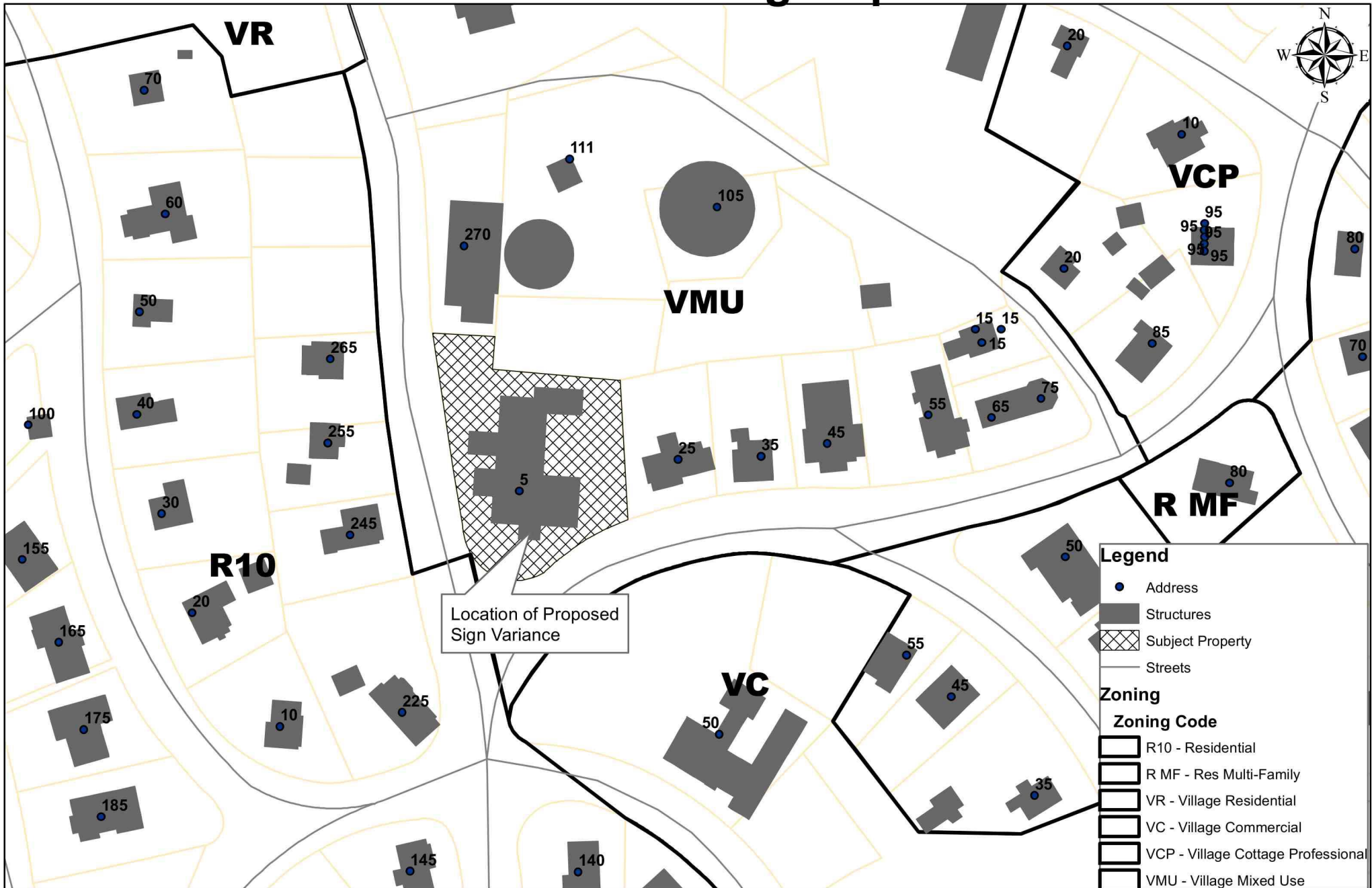
The Zoning Board of Adjustment shall not grant a variance unless and until it makes the following findings:

- (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:

- Area Zoning Map
- Aerial Map
- Adjacent Property Owner Notification
- Labels of property owners notified
- Map of adjacent property owners

Area Zoning Map



0 40 80 160 240 320 Feet

February 6, 2020
Zoning Board of Adjustment
Variance Hearing



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.

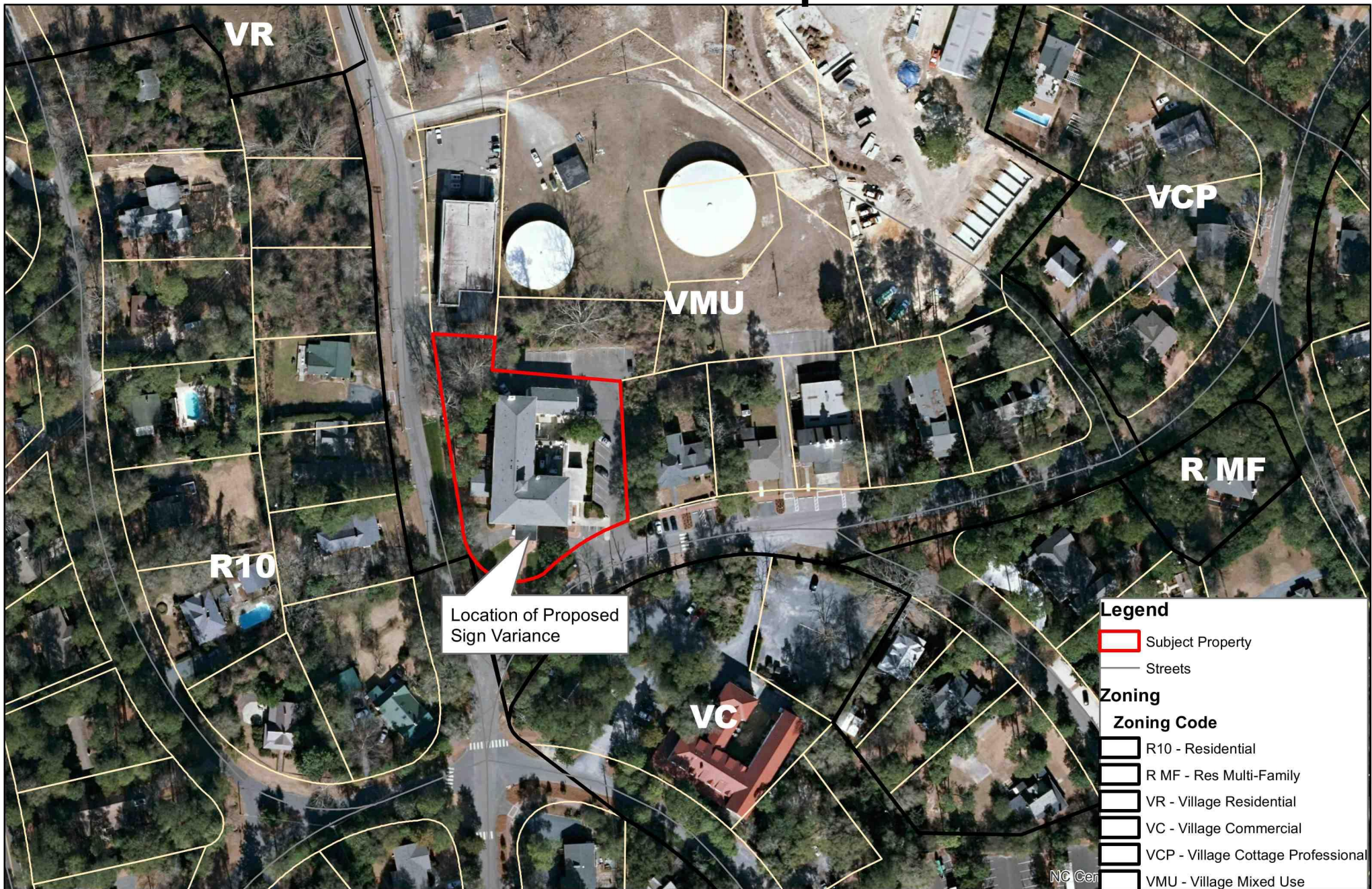
Any resale of this data is strictly prohibited in accordance with North Carolina General Statutes 132-10.

Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).

P:\asfr\BaseMaps\8_5x11_Landscape.mxd

1/23/2020

Aerial Map



0 40 80 160 240 320 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).

Please!BaseMaps@.5x11_Landscape.mxd

1/23/2020

February 6, 2020
Zoning Board of Adjustment
Variance Hearing





HISTORY, CHARM, AND SOUTHERN HOSPITALITY

**NOTICE OF PUBLIC HEARING
VILLAGE OF PINEHURST**

Dear Property Owner:

The Village of Pinehurst Board of Adjustment will be holding a Public Hearing on:

Thursday, February 6, 2020

4:30 PM

(Immediately following the Planning and Zoning Board Meeting)

Pinehurst Village Assembly Hall

395 Magnolia Rd. Pinehurst, NC 28374

The purpose of the public hearing is to receive testimony for a variance request from section 9.7.1.4(C) Sign Regulations, Wall Signs maximum area for the property at 5 Community Road, further identified by Moore County PID # 00024847. This property is located within the VMU (Village Mixed Use) Zoning District. Specifically, the applicant the Resorts of Pinehurst, Inc., is requesting a variance from the 6 square foot maximum wall sign area to allow for a 10 square foot wall sign. The applicant and the property owner is the Resorts of Pinehurst, Inc.

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

SNEAD, YVONNE RAY SNEAD, DAWN
MICHELLE
3331 SEVEN LAKES WEST
WEST END, NC 27376

PINE CREST INN LIMITED PARTNERSHIP
PO BOX 879
PINEHURST, NC 28374

UNITED TELEPHONE COMPANY
100 CENTURY LINK DRIVE
MONROE, LA 71203

YARBOROUGH, JONATHAN A
265 MAGNOLIA RD
PINEHURST, NC 28374

RESORTS OF PINEHURST INC ATTN:
RICHARD HIGGINBOTHAM
PO BOX 4000
PINEHURST, NC 28374

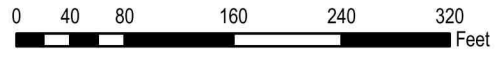
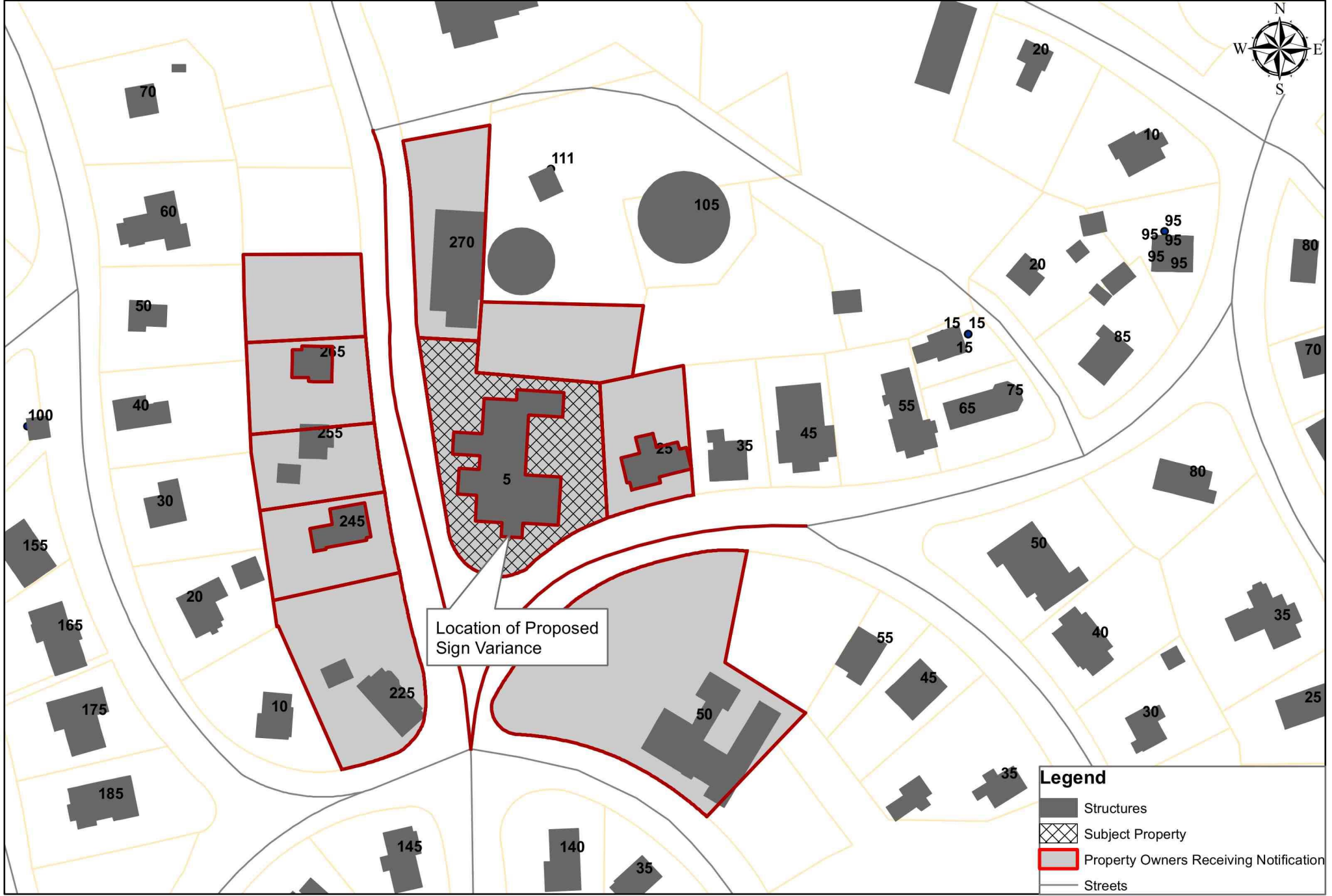
BARRETT, ROBERT C
25 COMMUNITY ROAD
PINEHURST, NC 28374

PINE CREST INN LIMITED PARTNERSHIP
PO BOX 879
PINEHURST, NC 28374

MOSBROOK, ROBERT C MOSBROOK, JEAN
N
225 MAGNOLIA RD
PINEHURST, NC 28374

ACRES, RANDY L PHAN, SOEK YIE
55 PALMETTO ROAD
PINEHURST, NC 28374

RESORTS OF PINEHURST INC ATTN:
RICHARD HIGGINBOTHAM
PO BOX 4000
PINEHURST, NC 28374



February 6, 2020 Zoning Board of Adjustment Variance Hearing



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). Please\Bases\Map8_5x11_Landscape.mxd 1/23/2020