



**BOARD OF ADJUSTMENT
THURSDAY, FEBRUARY 6, 2020
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
Philip Shumaker, 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 4:25 pm.

Motion: Mr. Santowasso moved to seat Philip Shumaker as a regular member of the Board of Adjustment. Seconded by Ms. Burnett. Motion carried by a vote of 3-0.

II. Approval of Minutes

A. December 5, 2019 Regular Meeting Minutes

Motion: Mr. Santowasso moved to approve the December 5, 2019 regular meeting minutes. Seconded by Ms. Burnett. Motion carried by a vote of 4-0.

III. Public Hearings

A. Public Hearing No. 1

Mr. Shriberg, Ms. Latham, and Ms. Burnett disclosed that they are members of the Pinehurst Country Club, and all stated it would not affect their impartiality.

Motion: Mr. Santowasso moved to recess the regular meeting and enter into Public Meeting No. 1. Seconded by Mr. Shumaker. Motion carried by a vote of 4-0.

The following were sworn into the meeting by Ms. Latham: Senior Planner Alex Cameron, project director for Pinehurst Resort, Calvin Burkley, consultant John Tise of Tise-Kiester Architect, and consultant Perry Harrison of LKC Engineering.

Mr. Cameron stated that 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.

Mr. Cameron entered the following documents into the record: variance application (exhibit A), hardship description (exhibit B), proposed sign rendering (exhibit C), proposed sign elevation (exhibit D), site plan (exhibit E), photo of old Pinehurst fire station sign (exhibit F), photo of Pinehurst Brewery sign (exhibit G), photo of Tater Barn sign (exhibit H), photo of Hughes Plumbing sign (exhibit I), photo of the rescue squad station sign (exhibit J), staff report (exhibit K), and the draft board decision letter. Mr. Cameron provided background on the property and request from his staff report.

Mr. Harrison stated that a six square foot sign is difficult to see from the street. He stated the Manor Inn is situated at an acute angle due to intersection of Community Road and Magnolia Road. He stated most buildings in the Village Mixed Used (VMU) district are 30 to 50 feet away from the street. Because of the acute angle of the property, the Manor Inn is 90 feet away from the street. Mr. Harrison testified that instead of asking for (2) six foot square wall signs totaling 12 square feet, which is an allowable request, they are requesting one 10 square foot wall sign. Mr. Harrison believed the sign was appropriate in context and scale for the building and for the district. Mr. Harrison testified that the lettering of the proposed wall sign would be dark grey/black and be lit externally at night. He stated there is an existing arm sign in the front of building.

Ms. Latham questioned if granted the variance, would the applicant commit to not requesting a second wall sign. Mr. Burkley stated it was not their intent to apply for a second sign.

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 4-0.

Motion: Ms. Burnett moved to reopen Public Hearing No. 1 to allow public comments. Seconded by Mr. Santowasso. Motion carried by a vote of 4-0.

There were no comments from the public.

Motion: Ms. Burnett moved to close Public Hearing No. 1 and re-enter the regular meeting. Seconded by Mr. Shumaker. Motion carried by a vote of 4-0.

Motion: Ms. Burnett moved to approve the variance request for the property at 5 Community Road with the following findings of fact and conclusions of law:

- 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;

The building faces the intersection of two roads and because of this the setback is further back than most buildings in the VMU district. This prevents the use of the (2) six foot signs to identify the Manor Inn because the entrance does not face either road.

- B. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance;

The placement of the Manor Inn in relation to intersection and the placement of the entrance in relationship to each road.

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

The Manor Inn was built in 1923, therefore beyond applicant's control.

- D. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

The variance is the best solution to identify the Manor Inn to visitors and residents.

With the condition that no additional six foot signs may be added to the other sides of the Manor Inn. Seconded by Mr. Santowasso. Motion carried by a vote of 5-0.

Roll Call

Shriberg	<i>Aye</i>
Santowasso	<i>Aye</i>
Burnett	<i>Aye</i>
Shumaker	<i>Aye</i>
Latham	<i>Aye</i>

Ms. Latham declared a short recess. The Board reconvened at 5:05 pm.

B. Public Hearing No. 2

Mr. Shriberg stated he is an unpaid volunteer for a finance committee at FirstHealth. He stated he had no personal or financial interest in the outcome of the decision. Ms. Latham asked the Board if they felt Mr. Shriberg could remain impartial; the Board did not object.

Motion: Mr. Santowasso moved to recess the regular meeting and enter into Public Meeting No. 2. Seconded by Mr. Shumaker. Motion carried by a vote of 4-0.

The following were sworn into the meeting by Ms. Latham: applicant Michael Martin of FirstHealth of the Carolinas and Senior Planner Alex Cameron.

Mr. Cameron stated that 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., now identified as 100 Page Road, 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 property owner is First Health of the Carolinas, Inc.

Mr. Cameron provided background on the property and request from the staff report. He stated that during review of the application, it was discovered that the property address needed to be updated to 100 Page Road. Mr. Cameron entered the following documents into the record: FirstHealth volunteer and staff statements (exhibit 1), NCDOT area traffic volume map (exhibit 2), photos of the weekday morning traffic (exhibit 3), site plan (exhibit 4), sign rendering (exhibit 5), variance application (exhibit 6), updated address map from Moore County E-911 (exhibit 7) staff report (exhibit 8) and the draft board decision letter.

Ms. Latham requested to strike Exhibit 1 from the record as hearsay evidence as the authors of the letter could not be confirmed, and were not present to testify.

Mr. Martin testified that the photos in Exhibit 3 were taken around 10 am. He stated that the purpose of the photo is to show the difficulty of seeing the existing 48" ground sign. He testified that the landscaping blocking the line of site and the volume of traffic is making it difficult for people to find the outpatient center, which is a hardship.

Upon question by Mr. Shriberg, Mr. Martin stated that FirstHealth is not requesting a larger sign as the proposed 18" sign letters accomplish the purpose. Mr. Martin testified the hospital has tried to trim the crepe myrtles to improve visibility.

Mr. Shriberg discussed allowing larger sign letters than requested by the applicant. Mr. Santowasso suggested the applicant withdraw their application and submit a new application if they would like a larger letters. Mr. Martin stated there is an immediate need for a larger sign and the hospital would like to move forward with the request.

Mr. Shumaker stated he made a site visit and commented that the crepe myrtles are blocking the existing ground sign. Mr. Martin acknowledged the crepe myrtles are in the right-of-way and maintained by NCDOT.

Ms. Latham commented that the change in addressing further adds to the confusion in finding the outpatient cancer center, and adds to the hardship.

Motion: Mr. Santowasso moved to close Public Hearing No. 1 and re-enter the regular meeting. Seconded by Mr. Shriberg. Motion carried by a vote of 4-0.

The Board briefly discussed the variance request.

Motion: Mr. Santowasso moved to approve the variance request for the property at 100 Page Road N. with the following findings of fact and conclusions of law:

- 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;

A hardship does result from strict application of the ordinance because it does not provide any means to improve lines of sight that are necessary for safe traffic operations approaching the building.

- 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;

Because of existing vegetation, the fact that the proposed sign would be parallel to the roadway, and that people do not have enough time to react which causes safety concerns.

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

The applicant is trying to correct a problem.

- 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 variance would improve sight distance and provide better identification of building

Seconded by Ms. Burnett. Motion carried by a vote of 5-0.

Roll Call

Shriberg	<i>Aye</i>
Santowasso	<i>Aye</i>
Burnett	<i>Aye</i>
Shumaker	<i>Aye</i>
Latham	<i>Aye</i>

IV. Next Meeting Date

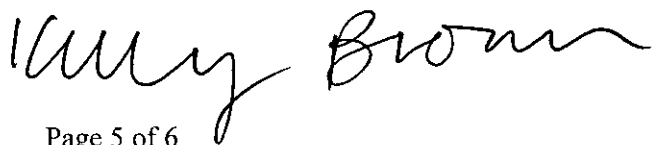
- A. Regular Meeting on March 5, 2020** (If the Board has business to conduct)

No business has been submitted to staff.

V. Motion to Adjourn

Motion: Mr. Shriberg moved to adjourn the meeting. Seconded by Mr. Shumaker. Motion carried by a vote of 4-0 at 5:49 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.