



**BOARD OF ADJUSTMENT
JANUARY 4, 2024
ASSEMBLY HALL
IMMEDIATELY FOLLOWING THE PLANNING & ZONING BOARD MEETING
PINEHURST, NORTH CAROLINA**

- I. Call to Order
- II. Approval of Minutes
 - A. 12-07-2023 BOA Meeting Minutes
- III. Public Hearing
 - A. Variance Request for 80 Carolina Vista (PLN-2023-00473)
The purpose of the public hearing is to receive testimony for a variance request from Pinehurst Development Ordinance Section 9.13 Fences, Walls and Columns, Subsection (C), for the property addressed as 80 Carolina Vista, further identified by Moore County PID # 00025808. This property is located within the H (Hotel) Zoning District.
- IV. General Business
- V. Next Meeting Date
 - A. 02-01-2024 BOA Regular Meeting (If the Board has business to conduct)
- VI. Motion to Adjourn

*Vision: The Village of Pinehurst is a charming, vibrant community which reflects our rich history and traditions.
Mission: Promote, enhance, and sustain the quality of life for residents, businesses, and visitors.
Values: Service, Initiative, Teamwork, and Improvement.*



**12-07-2023 BOA MEETING MINUTES
ADDITIONAL AGENDA DETAILS:**

FROM:

Shelby Grow

CC:

acameron@vopnc.org, Pamela Graham, Michael Mandeville, Maria Carpenter

DATE OF MEMO:

12/28/2023

MEMO DETAILS:

Attached is a draft copy of the 12-7-23 BOA Meeting Minutes.

ATTACHMENTS:

Description

12.07.2023 BOA Meeting Draft Minutes



**BOARD OF ADJUSTMENT
REGULAR MEETING
THURSDAY, DECEMBER 07TH, 2023
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA**

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

Board Members Present:

Thomas Schroeder, Chair
Jeremy Hooper
Matt Jones
Paul Roberts
Sonja Rothstein, Alt.

Board Members Absent:

Louise Mercuro, Alt
Bruce Hironimus, Alt.
Carol Henry, Alt.

Staff Present:

Alex Cameron, Planning Director
Michael Mandeville, Senior Planner
Maria Carpenter, Planner
Shelby Grow, Clerk to the Board
Lori Hercules, IT Technician

Approximately 3 member(s) of the public were in attendance.

I. Call to Order

Mr. Schroeder called the December 07th, 2023 Regular Meeting to order at 04:26 PM.

Mr. Cameron asked that the Board consider a reorganization of the agenda to take care of Board organizational items first followed by the approval of the 2024 Meeting Schedule and seating of the 5 primary members as well as the election of a Vice Chair.

II. Approval of Minutes

a. 10-05-2023 Regular Meeting Minutes

Mr. Roberts moved to approve the minutes of the October 05th, 2023 Regular Meeting. Seconded by Mr. Hooper. Approved by a vote of 5-0.

III. General Business

a. Approval of the 2024 Meeting Schedule

Ms. Rothstein moved to approve the 2024 P&Z / BOA Meeting Schedule. Seconded by Mr. Jones. Approved by a vote of 5-0.

b. Board Organizational Items

Mr. Jones moved to seat Ms. Rothstein as a voting member of the Board of Adjustment for the Regular Meeting of December 07th, 2023. Seconded by Mr. Hooper. Approved by a vote of 5-0.

Mr. Hooper moved to seat Mr. Jones as Vice-Chair. Seconded by Ms. Rothstein. Approved by a vote of 5-0.

Mr. Jones moved to seat Ms. Rothstein as a permanent member of the Board of Adjustment. Seconded by Mr. Hooper. Approved by a vote of 5-0.

Mr. Cameron confirmed that the Board Organization Items had been taken care of and thanked the Board.

Mr. Schroeder gave a brief introduction to the procedures and requirements of a Public Hearing.

IV. Public Hearing

Mr. Schroeder moved to recess the Regular Meeting and enter into the Public Hearing. Seconded by Ms. Rothstein. Approved by a vote of 5-0.

Mr. Schroeder verified no Board members had ex parte communication regarding the case and no Board members had reason to believe they may have a conflict of interest.

Mr. Cameron & Mr. Mandeville were sworn into the Public Hearing and testified as follows.

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

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

Mr. Mandeville discussed the proposed work and submitted into evidence the Staff Report with attachments / exhibits, Presentation, and Application and Applicant's materials / exhibits.

Mr. Roberts asked for clarification on existing 8-foot-high fences within the Village of Pinehurst. Mr. Cameron stated there are fences over 6 feet within the Village that do not project into the building setbacks, but no definite number.

Ms. Rothstein asked for clarification on allowing a fence in the front yard. Mr. Mandeville stated that fences are allowed in front yards but there are height requirements. Mr. Cameron stated there are different regulations based on residential vs. non-residential properties.

Mr. Hooper verified with Mr. Mandeville that the design standards for a residential property vs. a non-residential property are not the same.

Mr. Schroeder verified with Mr. Cameron that Section 5.1.4.C.3 of the Pinehurst Development Ordinance, which states the Zoning Board of Adjustment may take the action of conducting an additional Public Hearing on the requested variance, was not intentionally left out of Staff's presentation outlining the options the Board

had for taking action on the case and that the Board may continue the case to a later Public Hearing date.

Mr. Cameron responded to Mr. Hoopers previous question regarding residential and non-residential fence requirements, stating that some requirements are synonymous with both residential and non-residential fencing typically the type and design of the fencing are the same, but the height and where they project into the setbacks can differ.

Mr. Jones confirmed with Mr. Mandeville that the existing fence location was not included in the Staff Report. Mr. Cameron responded with the zoning and setback information for the property.

Mr. Schroeder accepted the materials submitted by Mr. Mandeville into evidence.

Calvin Burkley and Bob Koontz were sworn into the Public Hearing.

Mr. Koontz addressed the Board discussing the company background, and presented the application to the Board. Mr. Koontz stated that the existing 6-foot wooden shadow box fence needs repairing, and the resort would like to replace it with a natural 8-foot wooden fence painted off white with interspersed 9'8" brick columns. Mr. Koontz stated the increasing noise from the highway has caused disruption for the resort, and the new fence height would create a better barrier for the noise. Mr. Koontz discussed the details of the fence including the 9'8" columns that were inspired by the columns at the entrance to the resort, and the trim at the top of the fence that was inspired by the trim on The Villager Deli building.

Mr. Koontz stated hardships for the property being the only Hotel zoned property along Hwy 5; growing traffic has created noise issues, and the proposed solid fence would help lessen that for special events, pool guests and lodging guests. Mr. Koontz stated that they are unable to control the traffic so this would be a hardship that did not result in actions taken by the applicant or homeowner. Mr. Koontz stated the increased fence height would not cause any public safety issues.

Mr. Burkley stated that the resort has received complaints from guests about the noise issue from traffic, and the request for this variance is in response to those complaints.

Mr. Jones asked for clarification on the setback for the existing fence. Mr. Koontz responded that they do not have an exact number for where the existing fence is located. Mr. Schroeder asked for clarification on the depth of the fence. Mr. Koontz responded that the posts are 6x6 inches and estimated the brick columns to be 2.5 to 3 feet wide. Mr. Hooper asked if a condition would be needed detailing the design for approval presented today and the applicant be held to that design. Mr. Koontz responded that if the variance was granted the Historic Preservation Committee would also need to approve the design. Mr. Jones asked for clarification on the

variance request being for both the location of the proposed fence within the setback and the fence type. Mr. Koontz responded that a solid fence is permitted in the PDO, but the proposed detail at the top of the fence is not. Mr. Roberts questioned whether using a sound barrier at 6 feet in height with a type of material used to mitigate highway noise was ever discussed. Mr. Koontz stated that masonry was discussed but concluded that an extra 2 feet of fence height would be a better sound barrier. Mr. Koontz stated no decibel testing has been done. Mr. Roberts asked for clarification on whether the 8-foot fence would be the best option for mitigating sound when no decibel study has been done. Mr. Koontz stated the additional 2 feet in height, the solid fence type and the columns would be substantially better than the existing fence at dulling the noise. Ms. Rothstein asked for clarification on painting the fence, and the 8-foot height of the fence, stating that it is obtrusive, and it should blend in with surroundings. Mr. Schroeder stated that the dimensional issue is a valid concern, but personal opinions should not come into play.

Mr. Cameron asked to recess the Public Hearing at 5:08pm. Granted by Mr. Schroeder.

Mr. Schroeder reentered the Public Hearing at 5:11pm.

Mr. Schroeder stated that Ms. Rothstein's remarks were outside the purview of the Board.

Mr. Jones asked for clarification on how the new placement of the fence would define a hardship. Mr. Koontz responded that they did not consider that in their application. Mr. Roberts asked for clarification on hardships regarding the highway noise and decibel levels, what material would be best for mitigating the noise, and what sound levels they are trying to achieve. Mr. Hooper asked if any traffic data had been recorded. Mr. Koontz responded that they have the numbers, but no decibel recording has been made. Ms. Rothstein stated that it would be helpful to have this data. Mr. Cameron and Mr. Schroeder clarified the Board's duties and what is permissible in the meeting. Mr. Hooper added that the decisions of the Board are based on facts. Mr. Hooper asked Mr. Burkley why all the current renovations are being done at the Resort. Mr. Burkley stated that the renovations are being done to approve the experience for guests and for the 2024 US Open, including the fence which is in disrepair. Mr. Hooper asked for an estimated value for all the renovations. Mr. Burkley stated that the total so far for 2023 is \$40,000,000. Mr. Hooper asked for information on the design scheme and what category these renovations fall under. Mr. Burkley stated that the design scheme is high-end due to clientele, and to also represent the Pinehurst Resort and the Village of Pinehurst at the highest level. Mr. Hooper asked if the design standards for this job are on par with previous renovations done before a large event. Mr. Koontz responded that the fence detail is basic, permitted and connected historically to the Resort. Mr. Hooper verified with Mr. Koontz that he was well qualified to assume that this design was basic. Mr. Hooper stated that more data would need to be submitted to show the hardship that traffic and noise has created for the Resort. Mr. Koontz stated that

some of the design details were taken from other areas of the Resort and Village, but the PDO does not allow the flexibility to add the trim details which takes the design to the next level. Mr. Jones stated that he would be able to make a full decision once more information was presented; including a demonstration of the hardships if the new fence would be constructed outside of the 20-foot setback, the turn in the road that is subject to a 40-foot setback, and the proposed fence design and material being used as opposed to those approved in the PDO. Mr. Roberts expressed concerns over the proposed fence material not being able to achieve the desired sound mitigation. The Board discussed needing more information from the applicant to quantify a hardship. Mr. Cameron confirmed with the Board that more information and data is needed to prove this is a hardship. Mr. Schroeder asked the applicants if they would like to continue the meeting to gather more information and data. Mr. Koontz & Mr. Burkley agreed to continue the meeting. Mr. Roberts asked for a timeframe for the project and whether it needs to be completed by June 2024. Mr. Burkley stated that it was not critical to have this completed before the US Open. Mr. Cameron and Mr. Schroeder discussed continuing the Public Hearing with the Board.

The Board deliberated whether the testimony provided by the Applicant was sufficient enough to justify the argument of hardship and peculiarity of the property in relation to other properties in the surrounding area and the community.

Mr. Jones moved to continue the Public Hearing following the regularly scheduled Planning & Zoning Board Meeting to 1/4/24. Seconded by Ms. Rothstein. Approved by a vote of 5-0.

V. Next Meeting Date

a. 01-04-2024 Regular Meeting

VI. Motion to Adjourn

Mr. Rothstein moved to adjourn the Regular Meeting. Seconded by Mr. Hooper. Approved by a vote of 5-0 at 05:37 PM.

Respectfully Submitted,

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

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

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VARIANCE REQUEST FOR 80 CAROLINA VISTA (PLN-2023-00473)
ADDITIONAL AGENDA DETAILS:

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

FROM:

mmandeville@vopnc.org

CC:

pgraham@vopnc.org; sgrow@vopnc.org; acameron@vopnc.org

DATE OF MEMO:

11/30/2023

MEMO DETAILS:

Please see attached materials related to this item.

ATTACHMENTS:

Description

- ▣ Staff Exhibits S-1 through S-3
- ▣ Applicant Exhibits A-1 through A-2



PLANNING AND INSPECTIONS DEPARTMENT STAFF REPORT

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

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

Request and Background:

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

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

maximum height of six (6) feet. Such fence or wall shall not be built in or through a required buffer unless the fence or wall has been designed as an integral part of the buffer and approved as such. The property is further identified as Moore County PID Number 00025808. The existing structure (hotel) was built between 1899 – 1900.

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

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

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

- Exhibit A-1 – Application for Variance
- Exhibit A-2.1 – A 2.2 – Project Information
- Exhibit A-2.3 – Project Location
- Exhibit A-2.4 – Property Fence Concept
- Exhibit A-2.5 – Existing Fence
- Exhibit A-2.6 – Example of Fence Trim

Variance and Evidentiary Hearing Process:

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

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

Standards of Review

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

- (1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;
- (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability;
- (3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship;

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

Action by the Zoning Board of Adjustment:

After conducting the public hearing, the Zoning Board of Adjustment may:

- (1) Have the authority to subpoena witnesses and may request additional information;
- (2) Continue the public hearing on the requested variance;
- (3) Grant the requested variance;
- (4) Deny the requested variance;
- (5) Grant the requested variance with conditions. The Board of Adjustment may attach appropriate conditions, provided that the conditions are reasonably related to the request.

Any approval or denial of the request shall be made by motion, accompanied by findings of fact that the variance meets or does not meet each of the Standards of Review, stating the reasons for such findings.

The Zoning Board of Adjustment shall not grant any variance unless there is a concurring vote of at least 4 of its 5 members.

Staff does not formulate a recommendation of a variance request as decisions are to be based solely on the testimony and evidence submitted at the quasi-judicial hearing. This report along with its attachments and material submitted by the applicant shall also be included as submitted evidence and made part of the record.



HISTORY, CHARM, AND SOUTHERN HOSPITALITY

NOTICE OF PUBLIC HEARING VILLAGE OF PINEHURST

November 15, 2023

Dear Property Owner:

The Village of Pinehurst Board of Adjustment (BOA) will hold a Public Hearing on Thursday, December 7, 2023 at 4:30 PM, or immediately following the Planning & Zoning Board Meeting, in Village Assembly Hall 395 Magnolia Road, Pinehurst, NC. The meeting will be streamed in real-time on the Village's website, at <https://www.vopnc.org/our-government/live-stream>, for public viewing/listening and video-recorded for future reference.

The purpose of the public hearing is to receive testimony for a variance request from Pinehurst Development Ordinance Section 9.13 Fences, Walls and Columns, Subsection (C), for the property addressed as 80 Carolina Vista, further identified by Moore County PID # 00025808. This property is located within the H (Hotel) Zoning District. Specifically, the owner, Resorts of Pinehurst, are requesting a variance to increase the fence height from 6' to 8' along Highway 5.

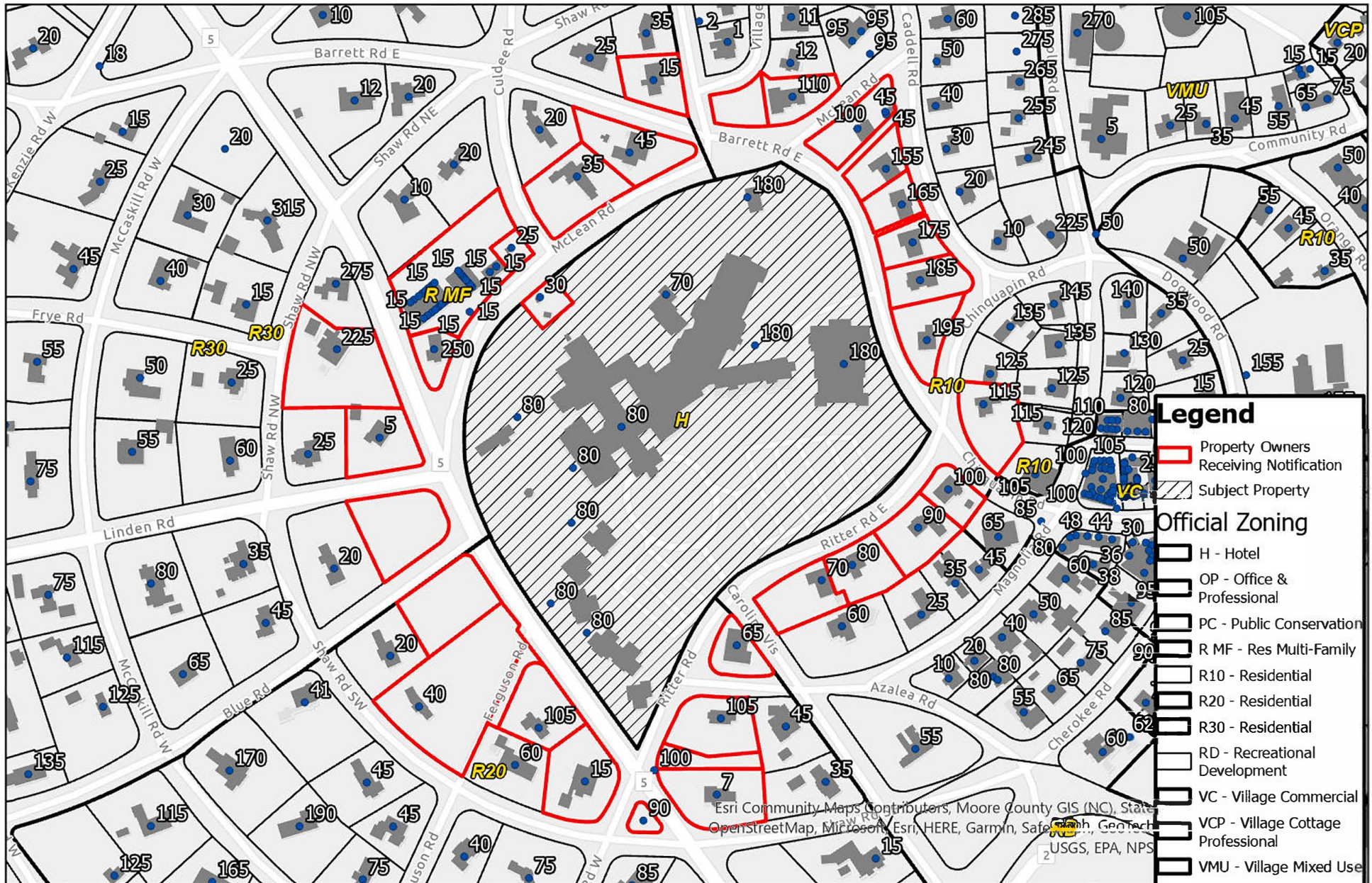
As the owner of said property, an adjacent property owner, or as the applicant; you are receiving formal notification of this Public Hearing. Information on this request is available for public review at the Planning and Inspections Department, Village Hall, 395 Magnolia Road, Pinehurst, North Carolina, Monday through Friday from 8:30 AM to 5:00 PM with the exception of holidays. Information on this request will also be made available the week of the meeting on the Village of Pinehurst's Novus Agenda website at <https://pinehurst.novusagenda.com/agendapublic/>.

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

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

Public Hearing Notification

Exhibit S-1.6



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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

PHILLIPS, RICK
PO BOX 1867
PINEHURST,NC,28370

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

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

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

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

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

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

VILLAGE OF PINEHURST
395 MAGNOLIA RD
PINEHURST,NC,28374

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

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

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

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

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

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

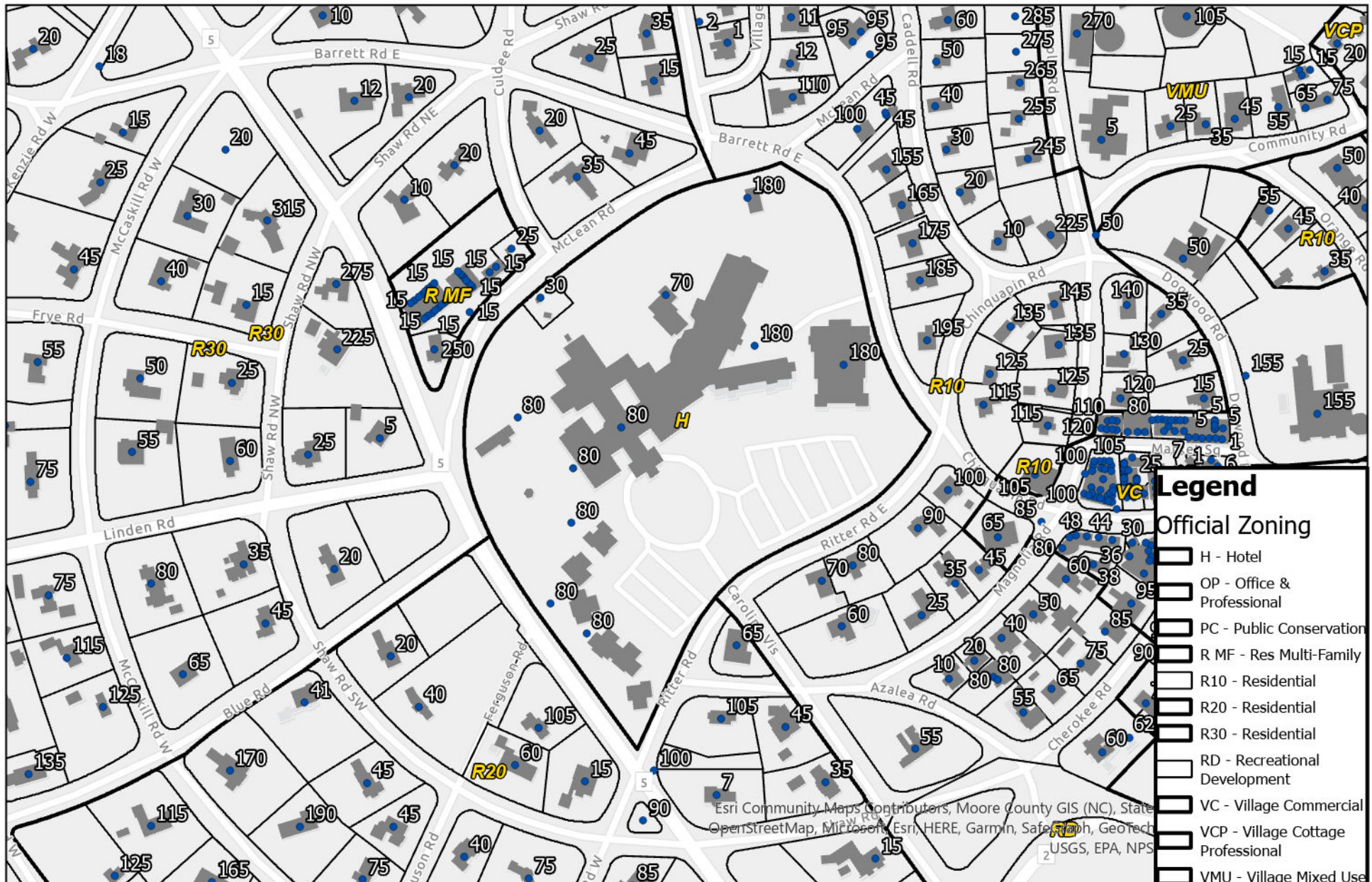
CLOUGH, CHRISTIAN
1506 PLEASANT VIEW RD
COOPERSBURG,PA,18036

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

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

Zoning Map- 80 Carolina Vista

Exhibit S-2



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



Public Hearing Notification

Exhibit S-3



0 335 670 Feet

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



PLN-2023-00473 - Carolina Fencing

Menu Help

File Date: 11/07/2023

Application Status: In Review

Application Type: Variance

Application Detail: Detail

Description of Work: See attached narrative

Application Name: Carolina Fencing

Address: 80 Carolina Vista Dr, Pinehurst, NC 28374

Owner Name: Resorts of Pinehurst, Inc.

Owner Address: 1 Carolina Vista, Pinehurst, NC 28374

Parcel No: 00025808

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

Licensed Professionals Info:	Primary	License Number	License Type	Name	Business Name	Business License #
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Job Value: \$0.00

Total Fee Assessed: \$500.00

Total Fee Invoiced: \$500.00

Balance: \$0.00

Custom Fields: PROJECT INFORMATION

Legal Basis for Application

Owner of the Land Affected by the Variance

Ordinance Text (Verbatim)

(C) Fences and walls in non-residential zoning districts and/or on non-residential properties: ex

cept in the RD zoning district, fences and walls or similar structures not over six feet in height,

may project into any required setback

Description of how the hardship did not result from actions taken by the applicant/ownerExplanation of how the requested variance is consistent with the intent of the ordinance

See attached narrative

General Description of Variance Request

The applicant requests to increase the fence height from PDO maximum of 6' to 8' along Highway 5

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

See attached narrative

Ordinance Section Reference

Section 9.13(C)

Description of how the hardship results from conditions that are peculiar to the property

See attached narrative

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

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

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

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

October 9, 2023 – Updated November 29, 2023

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

Re: Pinehurst Resort
Fence Variance Request

Dear Mr. Cameron,

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

- (A) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

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

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

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



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

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

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

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

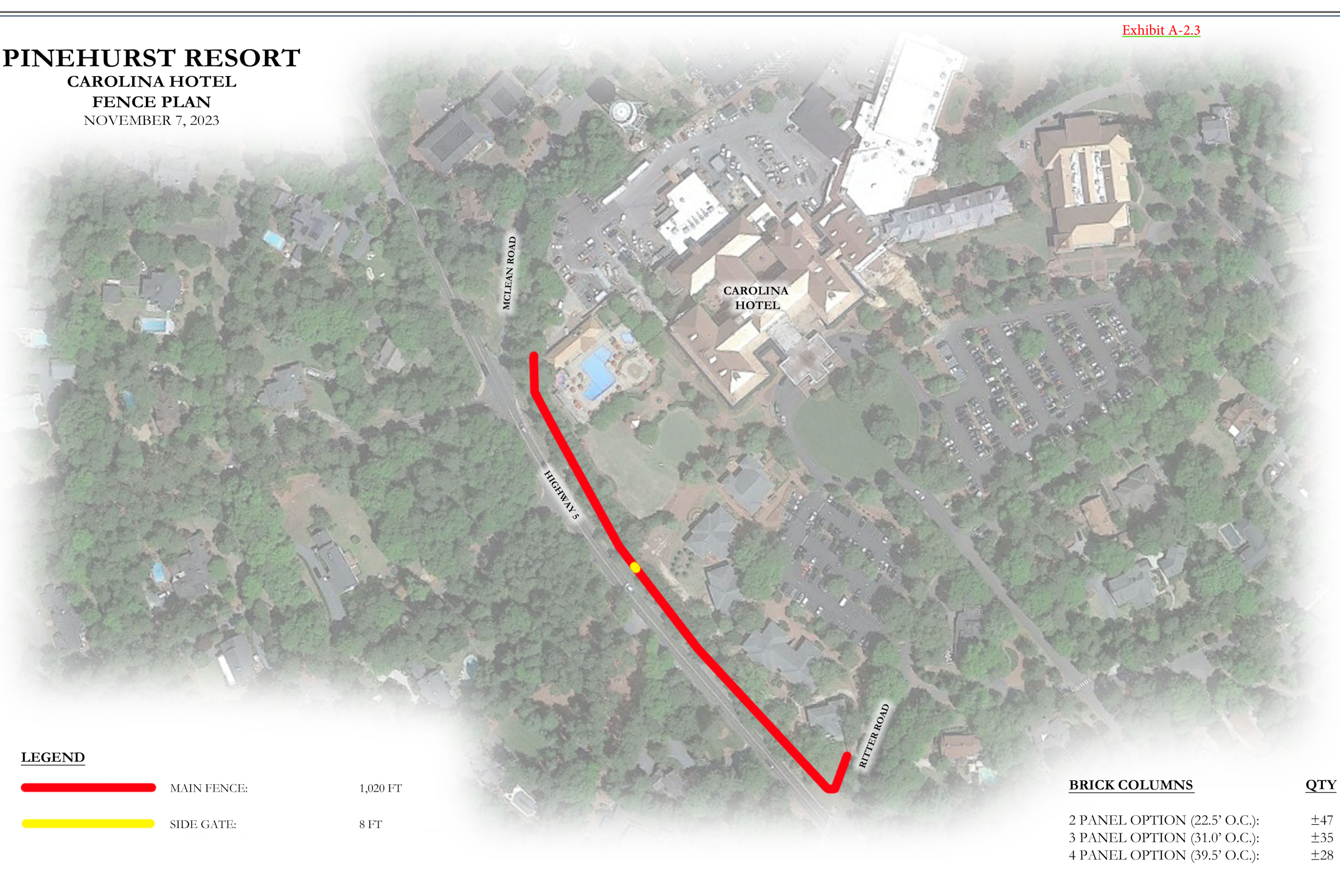
The above narrative is a justification for the increased fence height based on the PDO criteria for a variance. Pinehurst Resort appreciates your consideration of this variance request and the unique circumstances that have led to the request for additional fence height along Highway 5.

Best Regards,

A handwritten signature in black ink, appearing to read 'Rt Koontz', with a stylized flourish at the end.

Robert Koontz, PLA

PINEHURST RESORT
CAROLINA HOTEL
FENCE PLAN
NOVEMBER 7, 2023



LEGEND

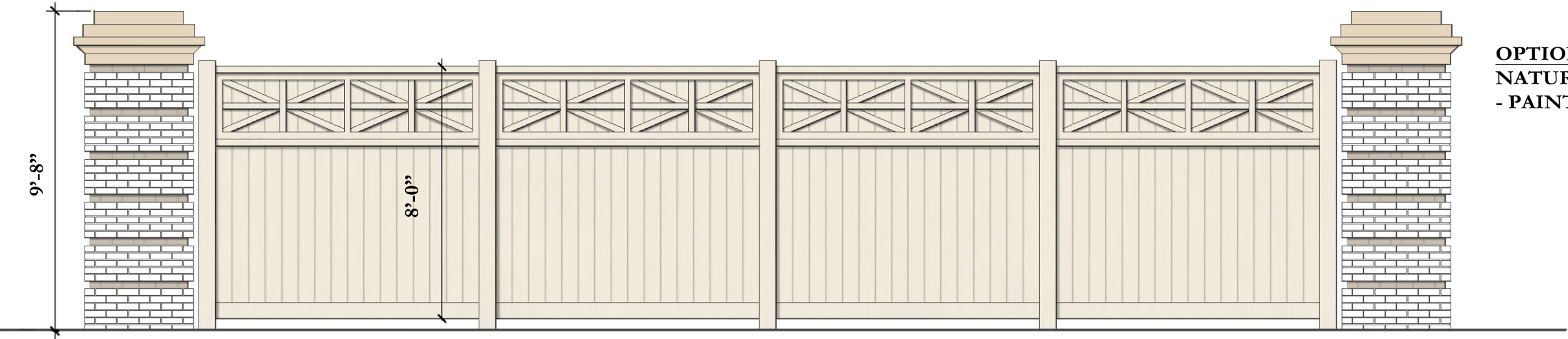
-  MAIN FENCE: 1,020 FT
-  SIDE GATE: 8 FT

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

PINEHURST RESORT

CAROLINA HOTEL
PROPERTY FENCE CONCEPTS
NOVEMBER 7, 2023

CONCEPT B2
OPTION 1



OPTION 1
NATURAL WOOD FENCE
- PAINTED OFF WHITE

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



Exhibit A-2.5

