



**BOARD OF ADJUSTMENT
REGULAR MEETING
THURSDAY, May 1st, 2025
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
04:00 PM or IMMEDIATELY FOLLOWING THE P&Z MEETING**

Board Members Present:

Thomas Schroeder, Chair
Matt Jones
Sonja Rothstein
Louise Mercurio
Bill Colmer

Staff Present:

Alex Cameron, Planning & Inspections Director
Michael Mandeville, Senior Planner
Maria Klein, Senior Planner
Jeanann Dawson, Admin Specialist

Approximately 10 members of the public were in attendance.

I. Call to Order

Mr. Schroeder called the May 1st, 2025, Regular Meeting to order at 04:10 PM.

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

Mr. Jones moved to have Ms. Mercurio and Mr. Colmer be seated as primary members. Seconded by Ms. Rothstein. Approved by a vote of 3-0.

A quorum was confirmed by Mr. Schroeder.

Each Board member confirmed that they had no ex parte communications regarding matters on the agenda and stated that they had no known conflicts of interest that would prevent them from participating in the meeting. Mr. Schroeder introduced Staff.

II. Public Hearing

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

Mr. Mandeville was sworn into the Public Hearing and testified as follows.

a. PLN-2025-00044 (16 Remington Lane Variance Request)

The purpose of the public hearing is to receive testimony for a variance request from Pinehurst Development Ordinance Section 9.2 a Table of Dimensional Requirements

for the property addressed as 16 Remington Lane, further identified by Moore County PID#00029877. This property is located within the R-8 Zoning District. Specifically, the applicant, Lee Thomas, is requesting a variance to allow an addition to the principal structure that encroaches the minimum 10' side yard setback of the R-8 Zoning District.

Mr. Mandeville provided an overview of the Evidentiary Hearing process, explained the applicant's request, and presented background information relevant to the case. He also submitted all related attachments into the record as evidence.

Mr. Schroeder asked if any Board members had questions for Staff. The Board had none.

Mr. Schroeder invited members of the other party to come forward and administered the oath to homeowners Jennifer and Shane White along with Lee Thomas, Project Manager and Aaron McNeil, Professional Land Surveyor.

Mr. and Mrs. White gave a brief presentation describing their family dynamics and explained the reason for the variance request.

Mr. Thomas, Project Manager provided a review of the timeline of events from his perspective. He addressed specific incidents relevant to the case, described actions taken in an attempt to resolve the issue, and offered his opinion regarding the cause of encroachment.

Mr. McNeill, Land Surveyor, stated he was called to evaluate the site after construction was completed. In his professional opinion, he believed the site plan had been manufactured by using a proposed plan-created prior to the house being built-to give the appearance that the setback met the Village's requirements. Mr. McNeill stated that had a foundation survey been conducted, the encroachment issue would likely have been identified, allowing it to be resolved before further construction proceeded.

Mr. McNeill spoke about his professional credentials, including his licensure, work history, and areas of expertise. The Board unanimously agreed to accept Mr. McNeill's testimony as that of an expert witness.

Mr. Schroeder asked the homeowners if they had any additional information to provide or any other witnesses to present. The homeowners emphasized that the encroachment was unintentional and stated that they would have taken any necessary steps to prevent the situation that ultimately led to their variance request.

Mr. Mandeville stated that he would like to enter the homeowner's slideshow presentation into the record as Exhibit A-4. Mr. Schroeder accepted the exhibit into the record.

The meeting proceeded to the public comment portion of the hearing. No public comments were offered.

Mr. Schroeder asked if there were any questions from the Board.

Mr. Colmer asked for clarification from the homeowners if they were living in the home during construction. Ms. White confirmed they were living in the home during construction.

Mr. Jones asked for a further explanation of what a foundation survey entails.

Alex Cameron, Planning & Inspections Director, was sworn to provide testimony.

Mr. Cameron explained that a foundation survey is required when a permanent structure is located within five feet of a setback line.

Ms. Rothstein asked for the rationale behind the 10-foot setback requirement.

Mr. Cameron explained that the setback requirements are established by zoning regulations to ensure adequate separation between homes.

Mr. Colmer asked the homeowners whether the original site plan showed any indication that the structure would encroach into the setback. Ms. White explained it did show potential, which is why they implemented the helical piers to avoid it.

Mr. Jones asked Mr. McNeill to provide more detail on his findings regarding the manufactured site plan. Mr. McNeill explained that he conducted a boundary line survey, which matched the original site plan. However, it did not align with the site plan that was submitted to Staff when the addition was applied for. Mr. McNeill also stated that he reviewed the building plans and measured the actual construction. These measurements matched the construction, further confirming that his analysis of the submitted site plan was incorrect.

Mr. Colmer asked Mr. Thomas what transpired during the transition between him and the previous project manager. Mr. Thomas explained that when he took over the project, most of the work was nearly complete, including the foundation, framing and roof, which has passed inspections.

The Board entered deliberation and discussed the testimony provided, noting that the site plan had been submitted incorrectly. They considered the hardships faced by the homeowners and reasons for granting the variance, as well as potential conditions to apply.

Mr. Jones moved the Board of Adjustment to approve the variance request for 16 Remington Lane and adopt the following Findings of Fact:

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

because of the impact to the family to remove the addition of occupied bedrooms.

- B. The hardship results from conditions that are peculiar to the property because the location of the addition is based on the location of the existing home.*
- C. The hardship did not result from actions taken by the applicant or the property owner. The hardship resulted from an inaccurate survey submitted for permit issuance.*
- 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. It protects the integrity of a family, good neighbors and the owner's good faith to uphold and comply with the ordinance.*

Seconded by Ms. Rothstein. Approved by a vote of 5-0.

Mr. Colmer moved to adjourn the Public Hearing and re-enter the Regular Meeting. Seconded by Ms. Rothstein. Approved by a vote of 5-0.

III. Approval of Minutes

A. 01-02-2025 Regular Meeting Minutes

Mr. Jones moved to approve the minutes of the January 2nd, 2025 Regular Meeting. Seconded by Ms. Rothstein. Approved by a vote of 5-0.


IV. Next Meeting Date

A. 06-05-2025 Regular Meeting (If Board Has Business to Conduct)

V. Motion to Adjourn

Mr. Colmer moved to adjourn the Regular Meeting at 5:30 p.m. Seconded by Ms. Rothstein. Approved by a vote of 5-0.

Respectfully Submitted,


Jeanann Dawson

Clerk to the Board &
Planning Administrative Specialist
Village of Pinehurst

A videotape of this meeting is 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.