



**Board of Adjustment
Agenda for Regular of December 4, 2025
Assembly Hall
395 Magnolia Road, Pinehurst, NC 28374
Pinehurst, North Carolina
4:00 PM**

1. Call to Order
2. Approval of Minutes
 - A. Approval of 08-07-2025 BOA Regular Meeting Minutes

3. Public Hearing

- A. 35 Salem Drive Variance Request

The purpose of the public hearing is to receive testimony for a variance request from Pinehurst Development Ordinance Section 9.2a Table of Dimensional Requirements for the property which is located at 35 Salem Drive, further identified by Moore County PID # 00019828. This property is located within the R-10 Zoning District. Specifically, the applicant, Brian Allard, is requesting a variance to reduce the rear yard setback for an accessory building from 10' to the 5' requirement for a storage shed.

4. Next Meeting Date

- A. 01-08-2026 Board of Adjustment Regular Meeting

5. 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.



**Approval of 08-07-2025 BOA Regular Meeting Minutes
ADDITIONAL AGENDA DETAILS:**

FROM: Jeanann Dawson, Administrative Specialist
CC: Board of Adjustment;
DATE OF MEMO: 11/21/2025

MEMO DETAILS

ATTACHMENTS

1. 08-07-2025 BOA Draft Minutes



**BOARD OF ADJUSTMENT
REGULAR MEETING
THURSDAY, August 7, 2025
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
04:00 PM or IMMEDIATELY FOLLOWING THE P&Z MEETING**

Board Members Present:

Matt Jones
Devin Macfarlane
Bruce Hironimus
Bill Colmer

Staff Present:

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

Approximately 2 members of the public were in attendance.

I. Call to Order

Mr. Jones called the August 7th, 2025, meeting to order at 4:24 PM. He noted that there were no public hearings scheduled for the evening but stated there were meeting minutes to be approved.

Mr. Hironimus moved to have Mr. Macfarlane seated as a primary member of the Board of Adjustment. Seconded by Mr. Colmer. Approved by a vote of 4-0.

II. Approval of Minutes

A. 07-10-2025 Regular Meeting Minutes

Mr. Colmer moved to approve the minutes of the July 10th, 2025, Regular Meeting. Seconded by Mr. Macfarlane. Approved by a vote of 4-0.

III. Next Meeting Date

A. 09-4-2025 Regular Meeting (If Board Has Business to Conduct)

IV. Motion to Adjourn

Mr. Macfarlane moved to adjourn the Regular Meeting at 4:26 PM. Seconded by Mr. Colmer. Approved by a vote of 4-0.

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.

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DRAFT



35 Salem Drive Variance Request

ADDITIONAL AGENDA DETAILS:

The purpose of the public hearing is to receive testimony for a variance request from Pinehurst Development Ordinance Section 9.2a Table of Dimensional Requirements for the property which is located at 35 Salem Drive, further identified by Moore County PID # 00019828. This property is located within the R-10 Zoning District. Specifically, the applicant, Brian Allard, is requesting a variance to reduce the rear yard setback for an accessory building from 10' to the 5' requirement for a storage shed.

FROM: Michael Mandeville, Senior Planner
CC: Board of Adjustment;
DATE OF MEMO: 11/13/2025

MEMO DETAILS

ATTACHMENTS

1. Staff Report and Attachments Exhibit S-1 - S-5
2. Applicant's Exhibits A-1 - A-3



PLANNING AND INSPECTIONS DEPARTMENT STAFF REPORT

To: Zoning Board of Adjustment
From: Michael Mandeville, Senior Planner
CC: Alex Cameron, Planning and Inspections Director
 Maria Klein, Senior Planner
 Jeanann Dawson, Administrative Specialist
Date: November 28, 2025
Subject: **Variance Request for 35 Salem Drive**

Applicant:	Brian Allard
Owners:	Brian Allard
Property Location:	35 Salem Drive
Parcel Size:	+/-12,825 square feet or +/- 0.294 acres
PID#	00019828
Zoning:	R-10 (High Density Residential)
Land Use:	Single Family Residential

Request and Background:

This request is to allow an accessory building to project into the minimum 10' rear yard setback in the R-10 zoning district. This provision is located in the PDO in Section 9.2a and requires a 10' rear yard setback for accessory structures.

The subject lot (637) was created as part of the subdivision titled *Phase 1 Unit 8A Page 2 of 2* by Pinehurst, Inc. in January of 1973 as indicated on Map Book 10 Page 41 (Exhibit S-4) on file with the Moore County Register of Deeds. Records from the Moore County Tax Department and Register of Deeds indicate that the home was built in 1988, and the property was acquired by the current owner in August of 2021.

The property is approximately +/-12,825 square feet in area or +/- 0.294 acres in size which complies with the 10,000 square foot minimum lot size requirement for the R-10 Zoning District. An existing single-family home is located on the property. The subject property is bordered by single-family dwellings to the north, east, and west, with a vacant parcel located to the south (rear). These properties are also part of the same subdivision and are zoned R-10.

In August 2024, the applicant applied for and received a building and development permit for a (storage shed) accessory structure with no dimension greater than 12 feet. Accessory structures with no dimensions greater than 12 feet are considered storage sheds and are required to maintain a rear yard setback of 5 feet. Upon inspection by Village staff, it was observed that the accessory structure exceeded the permitted 12-foot dimension. Measurements taken by a VOP Building Inspector confirmed that the shed has a length and width of 12 feet 2 5/8 inches, which surpasses the maximum allowed size for a storage shed. Because the structure exceeds 12 feet, it is classified as an accessory building, which requires a minimum 10-foot rear yard setback. The existing accessory building is located 6.1 feet from the rear property line, resulting in a 3.9-foot encroachment into the required rear setback. If the structure did not exceed the 12-foot dimension it would be compliant. After the staff inspection, the applicant was informed of the setback encroachment and was given several options to bring the storage shed into compliance:

- Modify the structure so that no dimension exceeds 12 feet;
- Contact the owner of the adjacent vacant property to purchase additional land; or
- Apply for a variance.

The applicant met with staff at Village Hall on October 8th and chose to apply for a variance.

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
- Exhibit S-4 – Recorded Subdivision Plat
- Exhibit S-5 – Building Permit Documents

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 – Property Survey with Existing Carport
- Exhibit A-3 – Applicant Photos

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, the 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 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:

With respect to the public hearing, the Zoning Board of Adjustment has the authority to subpoena witnesses and may request additional information. After conducting the public hearing, the Zoning Board of Adjustment may:

- (1) Continue the public hearing on the requested variance;
- (2) Grant the requested variance;
- (3) Deny the requested variance;
- (4) 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 21, 2025

Dear Property Owner:

The Village of Pinehurst Board of Adjustment (BOA) will hold a Public Hearing on Thursday, December 4, 2025 at 4:00 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 9.2a Table of Dimensional Requirements for the property which is located at 35 Salem Drive, further identified by Moore County PID # 00019828. This property is located within the R-10 Zoning District. Specifically, the applicant, Brian Allard, is requesting a variance to reduce the rear yard setback for an accessory building from 10' to the 5' requirement for a storage shed.

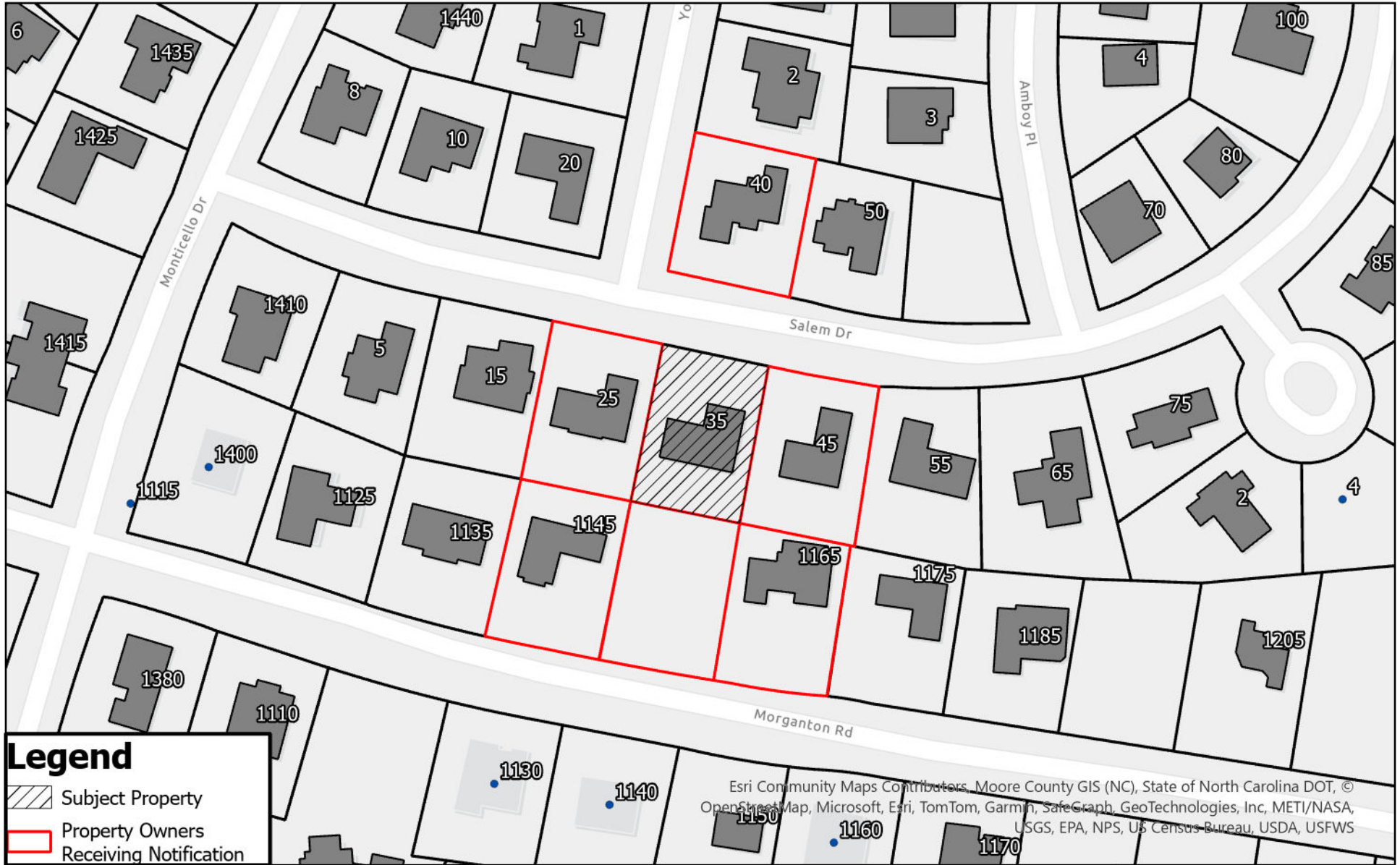
As the owner of said property, an adjacent property owner, or as the applicant; you are receiving formal notification of this Public Hearing. Information on this request is available for public review at the Planning and Inspections Department, Village Hall, 395 Magnolia Road, Pinehurst, North Carolina, 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 CivicClerk Agenda website at <https://pinehurstnc.portal.civicclerk.com/>.

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



December 4, 2025 35 Salem Dr. Variance Request



DUPONT, GARNETTE S
707 GIVENS LN
BLACKSBURG,VA,24060

PATE, JAMES G III
45 SALEM DRIVE
PINEHURST,NC,28374

JANOWICZ, WALENTY
3 WILLOUGHBY AVENUE
CORAM,NY,11727

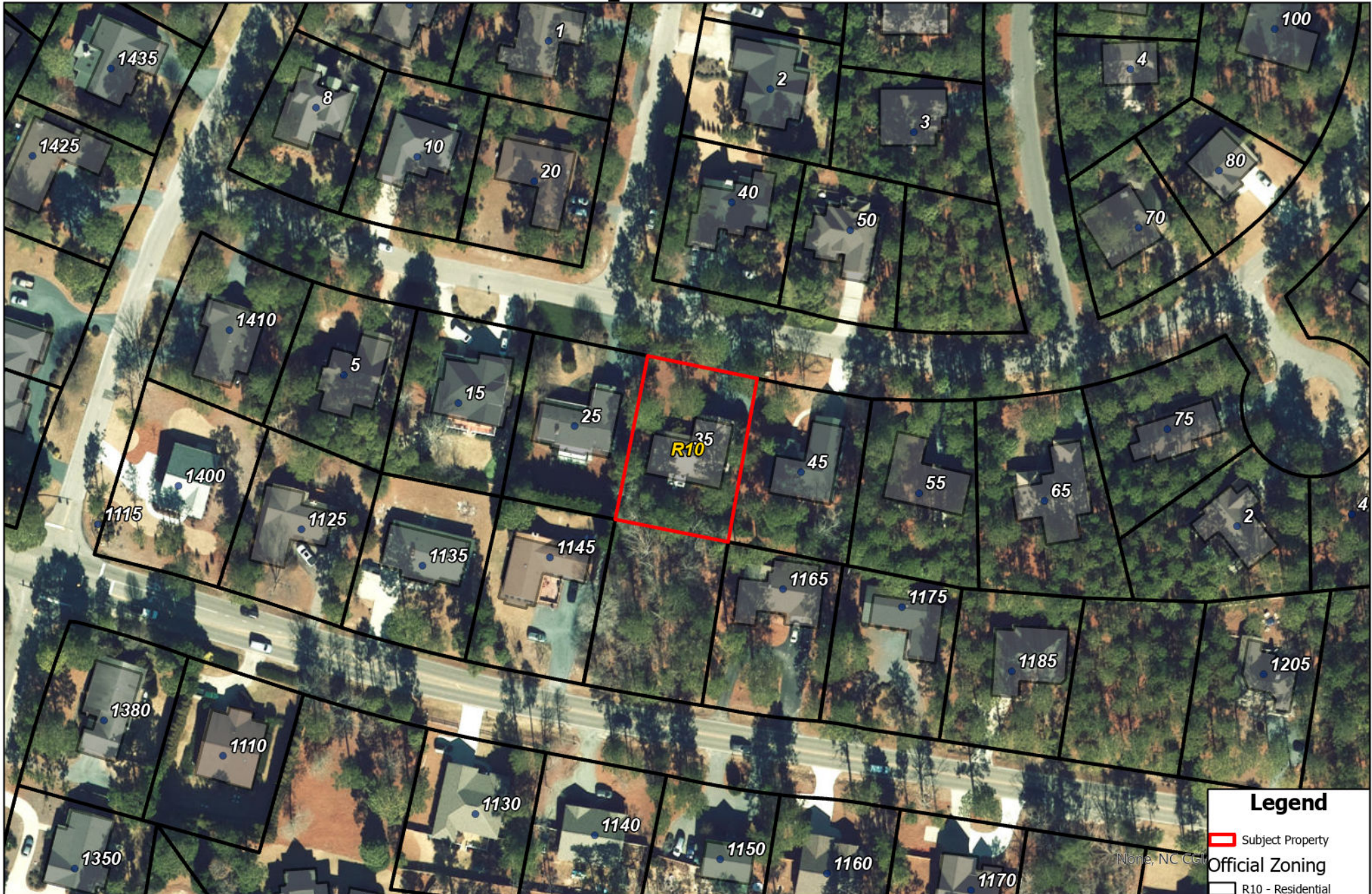
WILLIAMS, DAVID EVANS &
1165 MORGANTON RD
PINEHURST,NC,28374

MURZYN, RANDALL
40 SALEM DR
PINEHURST,NC,28374

FIFTEEN PINECONES, LLC
330 MILE AWAY LN
SOUTHERN PINES,NC,28387

Aerial Map- 35 Salem Drive

Exhibit S-3



Legend

- Subject Property
- Official Zoning
- R10 - Residential

0 155 310 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).

11/13/2025

December 4, 2025 Board of Adjustments 35 Salem Drive Variance Request



Exhibit S-4



THE UNDERSIGNED, BENEFICIARY OF TRUST CERTAIN DEEDS OF TRUST GIVEN BY DIAMONDHEAD CORPORATION TO THE UNDERSIGNED AS THE BENEFICIARY DATED THE 15th DAY OF JANUARY, 1973, RECORDED IN THE DEEDS OF TRUST BOOK 236 AT PAGE 146, IN THE RECORDS OF THE REGISTER OF DEEDS, MOORE COUNTY, NORTH CAROLINA, HEREBY CONSENTS TO THE SURVEYSHIP OF THE LAND SHOWN HEREON INCLUDING WITH DIAMONDHEAD CORPORATION IN THE EXECUTION AND FILING HEREOF AND IN ALL THE DECISIONS AND RESERVATIONS HEREIN CONTAINED, FOR THE USES AND PURPOSES HEREIN INDICATED.

WITNES THE SIGNATURE OF SAID CORPORATION BY ITS DULY AUTHORIZED OFFICERS THIS 22nd DAY OF JANUARY, 1973.

ATTEST:
James E. Logan
 JAMES E. LOGAN, Notary Public, State of New York, Commission Expires March 30, 1973

STATE OF NEW YORK
 COUNTY OF NEW YORK

PERSONALLY APPEARED BEFORE ME THE UNDERSIGNED AUTHORITY IN AND FOR THE SAID COUNTY AND STATE, HAROLD J. MOORE, INDIVIDUALLY AND AS ASSISTANT VICE PRESIDENT OF THE UNITED STATES TRUST COMPANY, A CORPORATION, WHO ACKNOWLEDGES THAT HE SIGNED AND DELIVERED THE FOREGOING INSTRUMENT ON THE DATE THEREINMENTIONED FOR AND ON BEHALF OF SAID CORPORATION.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THE 22nd DAY OF JANUARY, 1973.

James E. Logan
 JAMES E. LOGAN, Notary Public, State of New York, Commission Expires March 30, 1973

MY COMMISSION EXPIRES MARCH 30 1973

JAMES E. LOGAN
 Notary Public, State of New York
 No. 25-299222
 Qualified in Moore County
 Commission Expires March 30, 1973

Filed for registration 1:20 P.M.
 January 22, 1973, in the
 Register of Deeds Office of Moore
 County and Registered 1:25 P.M.
 January 22, 1973, in Book
 10, Page 41
Spinal B. Lewis
 Register of Deeds

NORTH CAROLINA
 MOORE COUNTY

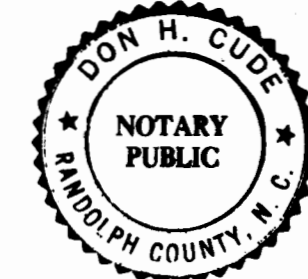
I, Willard C. Lewis, certify that under my direction and supervision this map was drawn from an actual field land survey; that the error of closure on all lots shown is no less than 1:5000; that this map was prepared in accordance with G.S. 47-30 as amended.

WITNESS my hand and Seal, this 22nd day of January, A.D., 1973.



Willard C. Lewis
 Land Surveyor
 Registration Number L 744

Sworn to and subscribed before me, this 22nd day of January, A.D., 1973.



Don H. Cude
 Notary Public

My commission expires Oct 4, 1977

NORTH CAROLINA
 MOORE COUNTY

The foregoing certificate(s) of Don H. Cude, Notary Public - Randolph Co., N.C.

is/are certified to be correct. This instrument was presented for registration and recorded in this office at Map Book 10, Page 41, this 22nd day of January, 1973, at 1:20 o'clock P.M.

Spinal B. Lewis
 Register of Deeds

Pinehurst, Incorporated reserves unto itself, its successors and assigns, all right, title and interest in and to the streets, roads, alleys, parks, open spaces and all other areas shown on this plat, it being the express intention of Pinehurst, Incorporated not to dedicate the same to the public, or for public purposes, or to the owners of property shown on this plat, except that the said owners of property and their guests shall have a perpetual right of use and ingress and egress on and across the said private streets, roads and alleys. The said streets, roads, alleys, parks, open spaces and all other areas shown on this plat shall remain the sole and exclusive property of Pinehurst, Incorporated, its successors and assigns, to be controlled, maintained and regulated as Pinehurst, Incorporated shall, in its sole discretion, determine.

LEGEND

- Denotes Iron Pipe
- Denotes Concrete Monument Control Corner

PINEHURST, INCORPORATED

MOORE COUNTY, NORTH CAROLINA
 MINERAL SPRINGS TOWNSHIP
 PHASE 1, UNIT 8A
 PAGE 2 OF 2 PAGES

SCALE: 1" = 100' - JANUARY 1973

MOORE, GARDNER AND ASSOCIATES, INC.
 CONSULTING ENGINEERS
 ASHEBORO, NORTH CAROLINA

NOTE: (1) All right of ways and cul-de-sac radii are 60', unless otherwise noted.
 (2) All bearings shown refer to the North Carolina State Coordinate Grid System.



Village of Pinehurst
 395 Magnolia Road
 Pinehurst, NC 28374
 Telephone: 910-295-1900
 www.vopnc.org

Permit No.: **BLD-2024-01483**
 Type: **Accessory Structures - No Dimension > 12**
 Date Issued: **08/08/2024**

DEVELOPMENT P E R M I T

Site Address: 35 SALEM Dr PINEHURST, NC 28374 **Parcel Number:** 00019828

Description of Work:

Owner
 ALLARD, BRIAN JOSEPH
 35 SALEM DR
 PINEHURST, NC 28374

Contractor

,

Applicant
 ALLARD, BRIAN JOSEPH
 ALLARD, BRIAN JOSEPH
 35 SALEM DR
 PINEHURST, NC 28374

License Number:

Comments:

- (2) Storage Shed (No dimension greater than twelve (12) feet) in R-210, R-30, R-20, R-15, R-10, R-8, R-5, R-MF, VCP, VR, VMU
 - (a) Storage sheds are only allowed in the rear yard.
 - (b) Such sheds shall be located no closer than five (5) feet from any property line unless adjacent to a golf course or lake in which case the accessory building or structure setback from lakes and golf courses shall apply.
 - (c) Such sheds are limited to a maximum of one (1) per property.
 - (d) Such sheds shall be compatible in style and color with the principal structure.

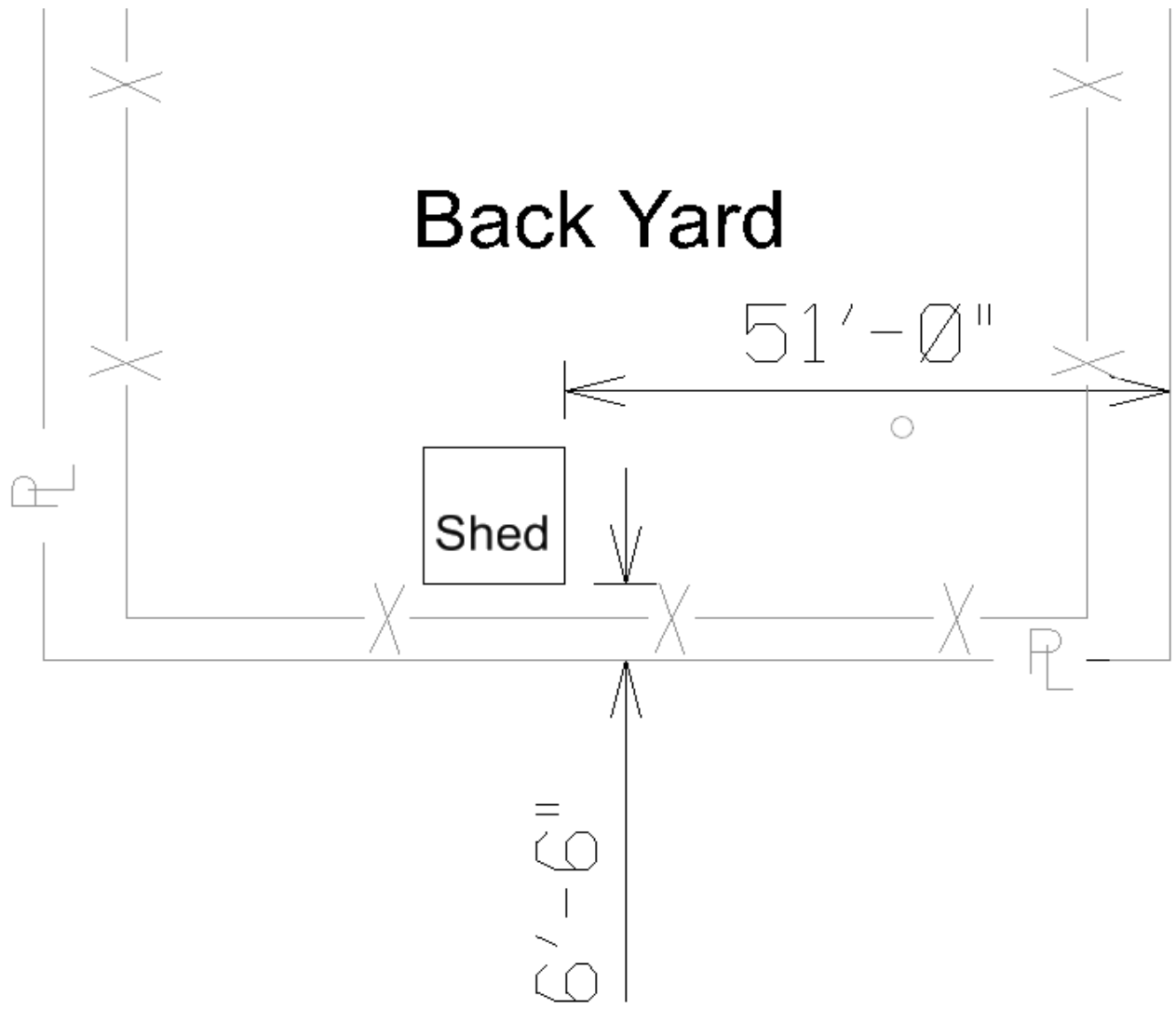
THIS WORK IS TO BE DONE IN COMPLIANCE WITH THE VILLAGE OF PINEHURST DEVELOPMENT ORDINANCE AND AS PER APPLICATION AND PLANS APPROVED AND ON FILE IN THE PLANNING & INSPECTIONS DEPARTMENT. THIS DEVELOPMENT PERMIT EXPIRES 365 DAYS FROM THE DATE OF ISSUANCE IF NO WORK IS COMMENCED. PER SECTION 9.14.6(E) OF THE PINEHURST DEVELOPMENT ORDINANCE, HVAC UNITS, POOL EQUIPMENT, WELL HOUSES, AND OTHER STURCTUES ON THE PROPERTY SHALL BE SCREENED WITH LANDSCAPING MATERIAL OR FENCING SO AS TO BE SEVENTY-FIVE PERCENT (75%) OPAQUE.

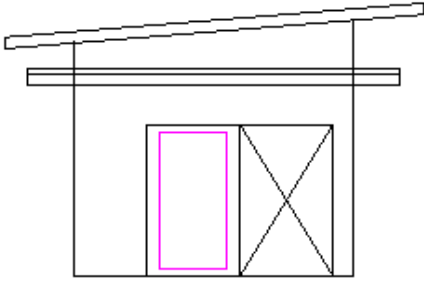
SCHEDULE INSPECTIONS ONLINE AT WWW.VOPNC.ORG/PERMITCENTER.

VILLAGE OF PINEHURST

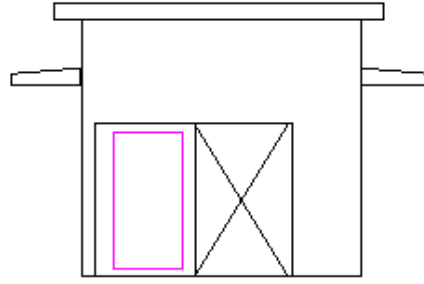
Kelly Brown

AUTHORIZED SIGNATURE





Side View



Front View

DIY Pete



How to build a lean to shed

Visit >





www.kuivoja.ee



SKYGLARD EPDM Shed Roof Kit

Visit >



Createspace Garden Rooms

Visit >

From: [Kelly Brown](#)
To: [Michael Mandeville](#)
Subject: FW: 35 Salem Drive - Shed
Date: Tuesday, November 4, 2025 12:59:34 PM
Attachments: [Section 5 PDO.pdf](#)

From: Kelly Brown
Sent: Thursday, September 4, 2025 4:44 PM
To: brian.allard6@gmail.com; brian.allard@duke-energy.com
Subject: FW: 35 Salem Drive - Shed

From: Kelly Brown
Sent: Thursday, August 28, 2025 4:58 PM
To: brian.allard6@duke-energy.com
Cc: Michael Mandeville <mmandeville@vopnc.org>
Subject: RE: 35 Salem Drive - Shed

Hey Brian,

Trying to keep the same email chain going.

I spoke with the Planning Director and there is no administrative modification that will be granted. See Section 5.2 of the Pinehurst Development Ordinance (attached).

The issue is the structure exceeds 12' in at least two dimensions, therefore NC building code applies AND a different building permit is required than the one you applied for (BLD-2024-01483). However, we cannot issue that permit without a professional survey showing the building is compliant with zoning regulations. So as it stands, the structure is non-compliant with Pinehurst regulations. Note I mentioned setbacks and sizes in the email below when I sent your permit.

The next step would be to get a survey. If it happens to be 10' from the property line, then all you will need to do is apply for the permit. I can give more info on that. If not, there are a few options:

1. Make the structure compliant. Reduce the size of the structure so that it does not exceed 12' in any dimension. It would have to be at least 5' from the property line.
2. I'm just throwing this out there – could you buy some land from the vacant lot behind you? We could help you with the process of a lot line adjustment.
3. Apply for a variance. It's not guaranteed it will be approved. See Section 5.1 of the

attachment. You could make the agenda for the November 6th Board of Adjustment meeting.

There is a fourth option which would be ignore this email and get a notice of violation in the mail which would eventually result in fines of \$500 a day. Obviously we don't want to go into enforcement mode until you have time to get the survey and decide how you would like to proceed. October 9th is the deadline to apply for the variance and we'll also consider it the deadline to come into compliance before we send official notices.

I've copied one of our Village planners, Michael Mandeville, who can answer any questions about the variance process. His number is 910-295-8659.

From: Kelly Brown
Sent: Tuesday, August 12, 2025 3:48 PM
To: 'brian.allard6@duke-energy.com' <brian.allard6@duke-energy.com>
Cc: Kim Stepnoski <kstepnoski@vopnc.org>
Subject: RE: 35 Salem Drive - Shed

Hey Brian,

Just following up to see when a good time would be to re-inspect the shed. I'm sorry we couldn't complete the inspection last time we were out there and I also we apologize if we took your wife by surprise. We did try knocking first

I'm in the office Tuesday – Friday from 8:30 – 5 pm. You are not required to be present, unless you would like to be. We do not need to see the inside of the shed. We want to make sure it's compliant with Village ordinances.

Thanks,

From: Kelly Brown
Sent: Thursday, August 8, 2024 9:51 AM
To: brian.allard6@duke-energy.com
Subject: 35 Salem Drive - Shed

Good morning Brian,

The permit for the shed has been approved. Please see attached. It is valid for 365 days. Note that if the shed is to be painted or stained then the color must be compatible with the color of your house. If the structure exceeds 12' in any dimension then a 10' setback applies and it would need to meet

NC State Building Code.

Finally, a quick inspection for compliance is required. Please email when the shed is complete.

Thank you,

Kelly Brown
Planning and Zoning Specialist
(Village of Pinehurst - Internal Email)

PLN-2025-00156 - Variance

Menu Help

File Date: 11/07/2025

Application Status: In Review

Application Type: Variance

Application Detail: Detail

Description of Work: Seeking a variance for a shed built under a shed permit. The siding and trim make this building 12' 2 5/8" and so this now has to be called an accessory building. The Shed was built 6' off the property line per the shed rules but since it is now being called an accessory building it does not meet the 10' setback requirement. Seeking a variance to allow this existing building to be at 6' off the property line.

Application Name: Variance

Address: 35 Salem Dr Pinehurst NC 28374

Owner Name: Brian Allard

Owner Address: 35 Salem Dr Pinehurst NC 28374

Parcel No: 00019828

Table with 5 columns: Contact Info, Name, Organization Name, Contact Type, Contact Primary Address, Status. Rows include ALLARD, BRIAN JOSEPH.

Table with 6 columns: Licensed Professionals Info, Primary, License Number, License Type, Name, Business Name, Business License #.

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)

Minimum Accessory Building or Structure Rear Setback from Property Line per Table 2.A is 10'

General Description of Variance Request

Allow 12 x 12 shed built 6' off the rear property line to remain. Shed is 2 5/8" larger than the 12' dimension Table 9.2A - Table of Dimensional Requirements

n and so I am told I must now permit it as an accessory building which has a 10' setback requirement.

Strict application would re-name a "shed" to an "Accessory

Building" due to the thickness of the siding and trim. A "building"

requires 10' setback and my shed is built 6' off the property line.

The strict application of re-naming a shed into a building is what

is placing me in "violation" of the 10' setback. This shed/building

is 12' 2 5/8" wide and long. It was built as a shed under a shed

permit. This 2 5/8" over 12" puts this in violation of "shed" and

turns this into a "building".

Ordinance Section Reference

Table 9.2A - Table of Dimensional Requirements

With the placement of the original (1988) home and deck so far

back on the lot and the small size of the lot the shed

really needs to be where it is. Following the 10' setback

requirement for a "building" would make the back yard relatively

un-usable.

Description of how the hardship did not result from actions taken by the applicant/owner

The size & construction method to be used was discussed with the

concrete contractor stating the shed exterior edges must be 12' x 12'

and that the sheathing/siding and 1x4 trim would cover the raised pad.

The concrete was poured. I didn't measure it, but upon VOP final

Planner inspection the VOP Building inspector measured the walls to be

2 5/8" over 12". The concrete contractor had oversized the raised pad

and made it 12' x 12' exactly instead of smaller to account for siding

& trim as I had expected. I was unaware of this until the moment

the Building inspector measured it for the Planning inspector.

Explanation of how the requested variance is consistent with the intent of the ordinance

As a resort community, the intent of improving the property with a

higher end, custom-built shed vs. a cookie-cutter, one-made shed

follows the spirit of VOP's desires. It is off the property line and

infringes on none of the neighbors' property use. Public safety is

maintained as the shed has no hazard elements to it. A judgement in

favor of allowing the extra 1 5/16" on each side, call it a shed and allow

it to stay in place as is, is the only path of substantial justice

as there was no intent to "get away" with something extra, just a simple

error by the concrete crew no one caught during the rest of construction.

Workflow Status table with columns: Task, Assigned To, Status, Status Date, Action By. Rows include Appeal Filed, Review for Completeness, Planning Review, BOA Notification, Staff Report, BOA Hearing.

Condition Status table with columns: Name, Short Comments, Status, Apply Date, Severity, Action By. Includes a sub-table for Documents with columns: File Name, Document Group, Category, Description, Type, Document Status, Document Status Date.

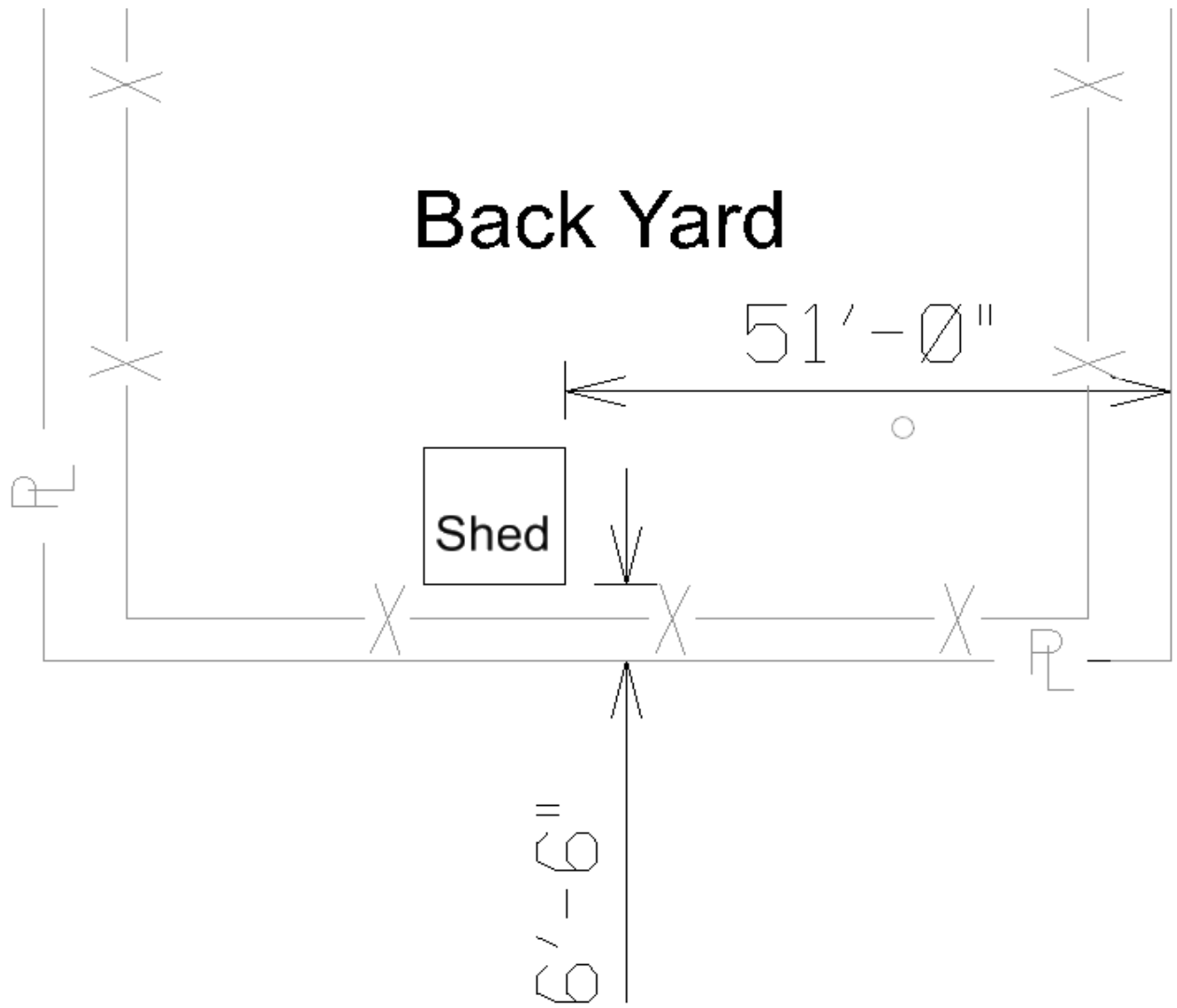
Application Comments table with columns: View ID, Comment, Date.

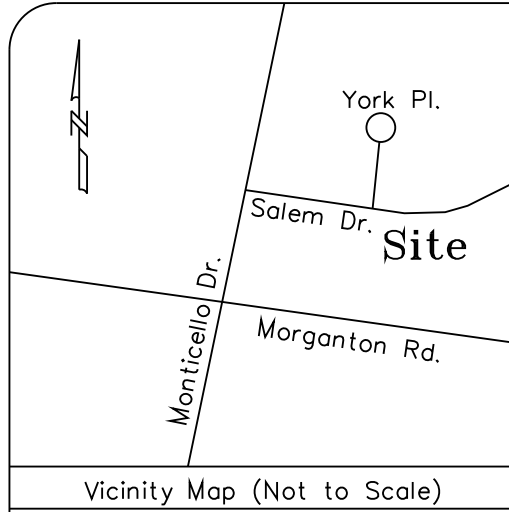
Initiated by Product: ACA

Scheduled/Pending Inspections table with columns: Inspection Type, Scheduled Date, Inspector, Status, Comments.

Resulted Inspections table with columns: Inspection Type, Inspection Date, Inspector, Status, Comments.

Required Inspections:





Location of underground utilities, if shown, are based on visible evidence and drawings provided to the surveyor. Location of underground utilities and structures may vary from shown locations. Additional utilities may exist. Local utility companies should be consulted for further information on utilities affecting the property.

This survey was done without benefit of an attorney's title search which could disclose zoning, restrictive covenants, easements not visible to surveyor, building setbacks, or other information which could affect surveyed property.

No subsurface or environmental considerations affecting this property have been made by surveyor.

Per M.B. 10, PG 41
Moore County Registry

Notes: This map is not in accordance with GS 47-30. Area by coordinate method. Dashed lines not surveyed, drawn from information as indicated. There are no visible encroachments other than those shown hereon. Survey is subject to any Declaration of Restrictions, Conditions, Easements, Covenants, Agreement, Liens and Charges of Record. "Verify Minimum Building Setbacks Before Construction" Parcel ID #00019828, PIN #856219517045

- Legend:
- IPF = Iron Pipe Found
 - IPS = Iron Pipe Set
 - IRF = Iron Rod Found
 - IRS = Iron Rod Set
 - CMF = Concrete Monument Found
 - ⊙ = Sewer Manhole
 - ⊕ = Fire Hydrant
 - = Utility Pole
 - CATV = Cable Television
 - PSO = Power Stub Out
 - TP = Telephone Pedestal
 - WV = Water Valve
 - ☆ = Light Pole
 - = Building Setback Line
 - OHU- = Overhead Utilities
 - ⊠ = Water Meter
 - SSO = Sanitary Sewer Stub Out
 - = Electrical Transformer
 - ▭ = HVAC
 - 12P = 12" Pine Tree(Typ.)
 - 12HW = 12" Hardwood Tree(Typ.)
 - SS- = Sanitary Sewer
 - = Calculated Point

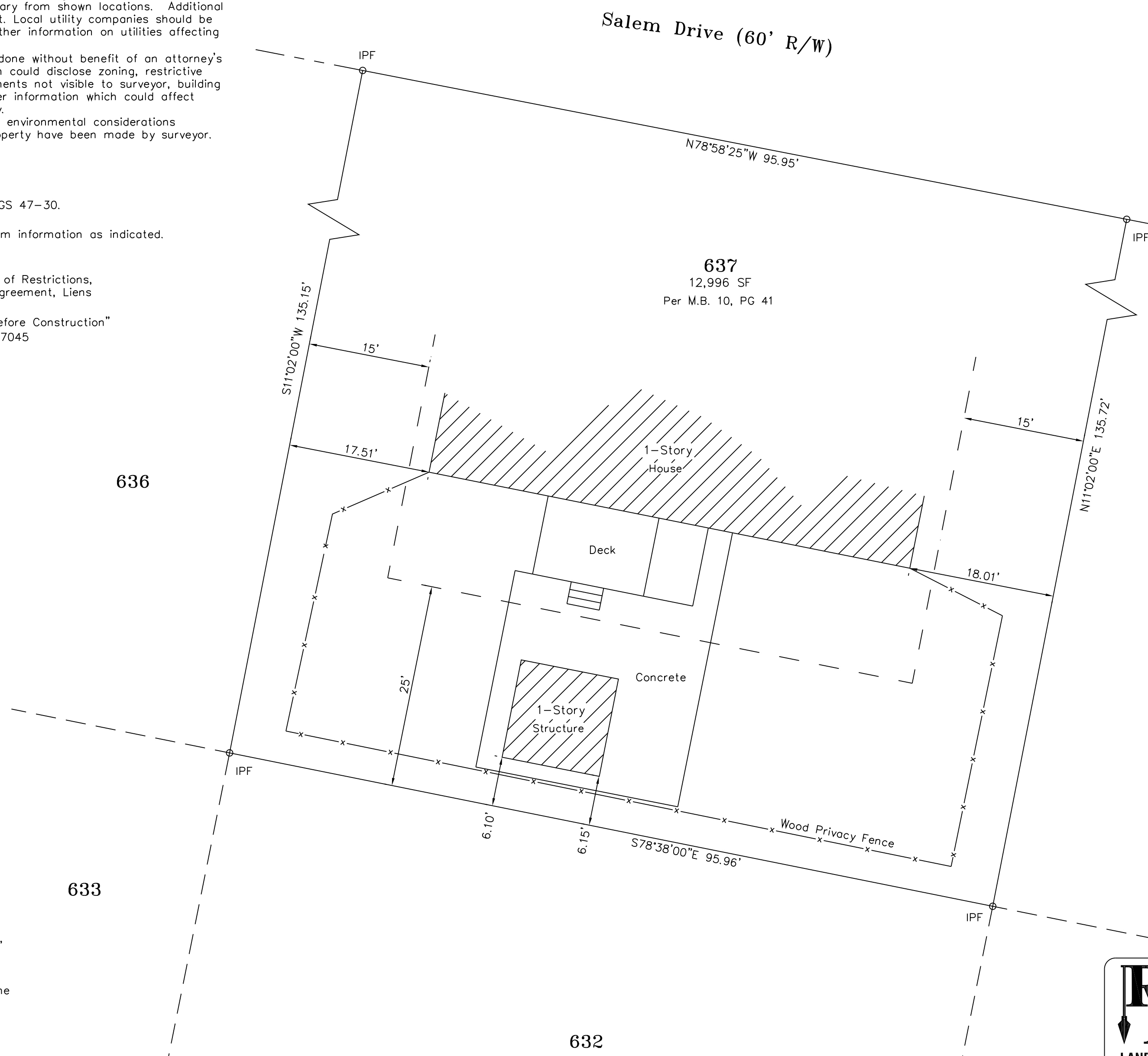
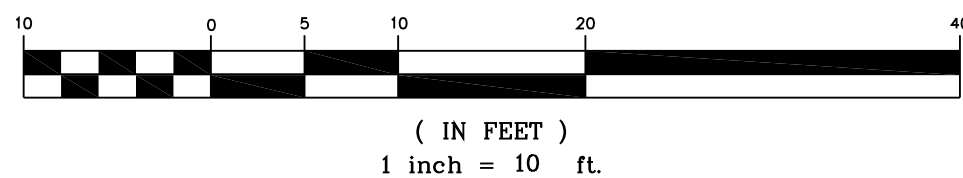
Reference: Map Book 10, Page 41
Deed Book 5679, Page 259
Moore County, North Carolina

"I certify that this map was drawn under my supervision from an actual survey made under my supervision (as described in Book 5679, page 259) and that the boundaries not surveyed are clearly indicated as drawn from information as indicated; that the ratio of precision or positional accuracy is 1:20,000+; and that this map meets the requirements of the Standards of Practice for Land Surveying in North Carolina (21 NCAC 56.1600)." This 1st day of October, 2025.

Brian J. Allard
Professional Land Surveyor

L-4394
Registration Number

GRAPHIC SCALE



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Aberdeen, NC 28315
Phone/Fax (910) 944-2410

Survey For:
Brian J. Allard
Lot 637, Unit 8, Phase 1
Partial Boundary/Improvement/As-Built Survey
Pinehurst Incorporated
Mineral Springs Township, Moore County
Pinehurst, North Carolina
October 1, 2025 JOB# 250140





Exhibit A-3.3



Exhibit A-3.4











