



**Board of Adjustment
Agenda for the Regular Meeting of August 6, 2026
Assembly Hall
395 Magnolia Road
Pinehurst, North Carolina
4:00 PM**

1. Call to Order
2. Approval of Minutes
 - A. Approval of 02-05-2026 BOA Regular Meeting Minutes
3. Next Meeting Date
 - A. 09-03-2026 BOA Regular Meeting (If the Board has business to conduct)
4. 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 02-05-2026 BOA Regular Meeting Minutes
ADDITIONAL AGENDA DETAILS:

FROM: Jeanann Dawson, Administrative Specialist
CC: Board of Adjustment;
DATE OF MEMO: 07/27/2026

MEMO DETAILS

ATTACHMENTS

1. 02-05-2026 BOA Draft Minutes



**BOARD OF ADJUSTMENT
REGULAR MEETING
THURSDAY, February 5th, 2026
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
04:00 PM or IMMEDIATELY FOLLOWING THE P&Z MEETING**

Board Members Present:

Matt Jones
Bruce Hironimus
Bill Colmer
Devin Macfarlane
Amy Foushee

Staff Present:

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

There were 2 members of the public in attendance.

I. Call to Order

Mr. Jones called the meeting to order at 4:11PM, confirmed that a quorum was present, and noted that an alternate member would be seated for tonight's meeting.

Mr. Colmer moved to seat Ms. Foushee as a voting member of the Board of Adjustment for this meeting. Seconded by Mr. Hironimus. Approved by a vote of 4-0.

II. Approval of Minutes

A. 01-08-2026 Regular Meeting Minutes

Mr. Hironimus moved to approve the minutes of January 8thth, 2026, Regular Meeting.

Seconded by Mr. Colmer. Approved by a vote of 5-0.

Mr. Jones asked if any Board member needed to recuse themselves due to any ex-parte communication, conflict of interest, financial interest in outcome or having already formed an opinion. No one recused themselves.

III. Public Hearing

Mr. Macfarlane moved to open the Public Hearing. Seconded by Ms. Foushee. Approved by a vote of 5-0.

Mr. Jones swore in staff member Michael Mandeville and the applicant, Michael D'Argenio, 38 Pine Lake Drive, Whispering Pines, NC, for the Public Hearing.

A. 40 Gull Lane (PLN-2026-00001)

The purpose of the public hearing is to receive testimony for a variance request from Pinehurst Development Ordinance Section 6.3.5(B) Table of Dimensional Requirements for the property which is located at 40 Gull Lane, further identified by Moore County PID # 00025846. This property is located within the R-8 Zoning District. Specifically, the applicant, Michael D'Argenio, is requesting a variance to allow for a 5' encroachment into the 20' rear yard setback.

Mr. Mandeville discussed the variance request to allow an addition that would allow for a five-foot encroachment into the rear yard setback. Mr. Mandeville reviewed the property's background, applicable Pinehurst Development Ordinance provisions, variance standards of review and the quasi-judicial hearing process. Mr. Mandeville requested that the materials be entered into evidence and advised the Board that he would answer any questions.

Ms. Foushee inquired whether the patio would be extended. Mr. Mandeville explained that the patio existed prior to the applicant's purchase of the property and that the proposed addition would only cover the existing patio without creating additional impervious surface. He further noted that while the patio benefits from a five-foot setback allowance, that allowance does not apply once the structure becomes part of the principal building.

Mr. Jones accepted the material into evidence and asked for the applicant, Mr. D'Argenio, to come forward and present his testimony.

Mr. D'Argenio confirmed the patio is pre-existing and was in place when the property was purchased. The variance is requested to allow the patio to be enclosed to provide an ADA-compliant, wheelchair-accessible space. Strict compliance with the setback requirements would limit that accessibility. The applicant noted that other areas of the property were evaluated but were not feasible due to the interior layout, lack of an existing door, HVAC equipment, underground utilities, and a underground propane tank. He stated enclosing the existing patio was the most practical solution.

The Board entered deliberation and Mr. Jones accepted Mr. D'Argenio's testimony as evidence in the Public Hearing.

Mr. Macfarlane sought clarification from staff regarding the 20-foot setback requirement, noting that it applies because the proposal is an extension of the principal structure, whereas an accessory structure would have a different setback. Mr. Mandeville confirmed that the accessory structure setback is 10 feet and that the proposed addition is fully enclosed and attached to the principal structure. Mr. Colmer asked the applicant to confirm that the reason for the proposed locations is that the existing access to the patio is wheelchair accessible, and that the construction of a separate structure would require installation of a ramp.

Mr. Jones asked if staff had received any comments from neighbors or feedback from the HOA. Mr. D'Argenio advised he has spoken with the HOA and neighbors, and they do not have any issues with the request. No member of the public came forward with testimony.

The Board continued deliberation and working through the standards of review.

*Mr. Colmer moved the Board of Adjustment **to deny** the variance request at 40 Gull Lane and adopt the following Findings of Fact:*

- A. Unnecessary hardship **would 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.
The application of the ordinance does not prevent access to the property as planned.*
- 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. 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.
The existing approved layout of property renders those existing conditions.*
- 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.*

These conditions existed prior to the purchase of the property.

*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.*

Regardless of approval or disapproval, there would be no impact on public safety.

Seconded by Mr. Hironimus . Motion denied by a vote of 4-1, with Ms. Foushee voting in opposition.

Mr. Macfarlane moved to close the Public Hearing. Seconded by Mr. Hironimus. approved by a vote of 5-0.

IV. Next Meeting Date

A. 03-05-2026 Regular Meeting (If Board Has Business to Conduct)

V. Motion to Adjourn

Mr. Colmer moved to adjourn the Regular Meeting at 4:48 PM. Seconded by Ms. Foushee, Approved by a vote of 5-0.

Respectfully Submitted,

Jeanann Dawson
Clerk to the Board &
Planning Administrative Specialist
Village of Pinehurst

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

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