



**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:	Board Members Absent:	Staff Present:
Thomas Schroeder, Chair	Louise Mercurio, Alt	Alex Cameron, Planning Director
Jeramy Hooper	Bruce Hironimus, Alt.	Michael Mandeville, Senior Planner
Matt Jones	Carol Henry, Alt.	Maria Carpenter, Planner
Paul Roberts		Shelby Grow, Clerk to the Board
Sonja Rothstein, Alt.		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.

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.