



**BOARD OF ADJUSTMENT
REGULAR MEETING
THURSDAY, DECEMBER 5, 2019
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
4:30 PM**

IMMEDIATELY FOLLOWING PLANNING & ZONING BOARD MEETING

Board Members Present:

Julia Latham, Chair
Leo Santowasso, Vice Chair
Joel Shriberg
Cyndie Burnett
Jeramy Hooper, Alternate

Board Members Absent:

David Kelley

Staff Present:

Darryn Burich, Planning and
Inspections Director
Alex Cameron, Senior Planner
Kelly Brown, Administrative
Assistant

I. Call to Order

Ms. Latham confirmed that a quorum was present and called the meeting to order at 4:30 pm.

II. Approval of Minutes

- November 7, 2019 Regular Meeting Minutes

Motion: Mr. Santowasso moved to approve the November 7, 2019 regular meeting minutes.
Seconded by Ms. Burnett. Motion carried by a vote of 5-0.

III. Public Hearing No. 1

Motion: Mr. Santowasso moved to recess the regular meeting and enter into Public Meeting No. 1.
Seconded by Ms Burnett. Motion carried by a vote of 5-0.

The following were sworn into the meeting by Ms. Latham: Senior Planner Alex Cameron and owners/applicants George and Kathy Greenwood.

Mr. Hooper disclosed that he had brief ex parte communication with Kathy Greenwood. He stated it would not affect his impartiality and that he had no personal or economic interest in the outcome of this case.

Mr. Cameron stated the purpose of the public hearing was to receive testimony for a variance request from section 9.2a Tables of Dimensional Requirements for the property at 80 Rockland Lane, further identified by Moore County PID # 00019256. This property is located within the R-10 (High Density Residential) Zoning District. Specifically, the applicant and owners, George and Kathleen Greenwood, were requesting a 15 foot variance from the 30 foot golf course setback. Mr. Cameron provided background on the property and the variance request.

Mr. Cameron entered the following documents into the record: staff report, application, existing survey, survey with proposed setback, house elevations, house floor plans, site photos, letter from Pinehurst Resort, original subdivision plat, and finding of fact.

Mr. Greenwood stated the property had a unique shape, long on one end and short on the other. He stated the designer created a modest sized home that was in keeping with the rest of the neighborhood. He stated that the Carolina room on the south end of the house is considerably small due to the limits imposed by the setbacks of the golf course. Mr. Greenwood stated the current setback requirements create a hardship in allowing him to create a fully functional room for capturing views of the course. He also stated having two 30' foot setbacks does create hardships in the design of the house. Mr. Greenwood received a letter from the Pinehurst Resort's Director of Golf Course Ground Management indicating no objection to a reduced setback on the south side of the property. He stated his property has one adjoining neighbor on the north side and golf course on the others, so his variance request would have little to/no effect on the neighborhood. He stated if his property had adjoined another residential lot, it would only have 15 foot setback and he would not be making this variance request. As shown on the submitted plans, Mr. Greenwood stated they were not planning on utilizing entire setback request for the Carolina room.

Ms. Burnett questioned how far into the setback they were planning on going for the Carolina room. Mr. Greenwood answered that they want to bring out it about ten feet, or an additional 110-120 square feet into the current setback. Upon question by Mr. Hooper, Mr. Greenwood confirmed the patio would go away completely. Mr. Greenwood confirmed that the current size of the Carolina room is eight-by-ten feet.

Mr. Hooper questioned if the Greenwoods approached Pinehurst Resort about purchasing additional property in the setback, and Mr. Greenwood stated they did not since it was golf course property.

Upon question by Mr. Santowasso, Mr. Greenwood stated the 30 foot front yard setback was an estimate drawn by himself, not the designer, and the building would stay within the road/front setback. Mr. Cameron added that any encroachments would be caught by permitting.

Upon question by Mr. Santowasso, Mr. Greenwood confirmed there were a couple of steps coming off the Carolina room. Mr. Cameron stated that steps can intrude three feet into a setback, and that if the variance request were granted, then the steps would be compliant. He stated that the 30 foot front setback depicted on the site plan was not surveyed, but meant to be informative.

Mr. Santowasso discussed the possibility of shifting the lines of the Carolina room to match the back line of the house to avoid the front setback, and Mr. Greenwood acknowledged this. Mr. Greenwood stated they are trying to avoid having steps. Some Board members expressed concern that the building would encroach the front setback.

Upon question by Mr. Santowasso, Mr. Greenwood acknowledged that a house could be built on the site without a Carolina room.

Resident Jim Sloan of 395 Doral Drive made a public comment; he was not sworn into the meeting.

Motion: Mr. Shriberg moved to close Public Hearing No. 1 and re-enter the regular meeting. Seconded by Ms. Burnett. Motion carried by a vote of 5-0.

The Board briefly discussed the variance request.

Motion: Ms. Burnett moved to approve the variance request for the property at 80 Rockland Lane with the following findings of fact and conclusions of law. Seconded by Mr. Shriberg. Motion carried by a vote of 5-0.

- 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;

Due to the size of the lot, position of the lot on the golf course, and the two 30 foot setbacks.

- 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;

Which is the two 30 foot setbacks and the fact they are going to maintain a traditional 15 foot setback, and no significant portion of the golf course will be affected by shortening the setback.

- 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;
- 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.

Roll Call

Ms. Burnett	<i>Aye</i>
Mr. Santowasso	<i>Aye</i>
Mr. Shriberg	<i>Aye</i>
Mr. Hooper	<i>Aye</i>
Ms. Latham	<i>Aye</i>

IV. General Business

A. Adoption of the 2020 BOA Meeting Schedule

Motion: Mr. Santowasso moved to approve the submitted 2020 Board of Adjustment schedule. Seconded by Ms. Burnett. Motion carried by a vote of 5-0.

V. Next Meeting Date

Regular Meeting on January 2, 2020 (If the Board has business to conduct)

VI.

Motion to Adjourn

Motion: Ms. Burnett moved to adjourn the meeting. Seconded by Mr. Santowasso. Motion carried by a vote of 5-0 at 5:14 pm.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Kelly Brown".

Kelly Brown
Administrative Specialist
Village of Pinehurst

A recording and videotape of this meeting are 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.