



**PLANNING AND ZONING BOARD
REGULAR MEETING
THURSDAY, NOVEMBER 04TH, 2021
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA**

IMMEDIATELY FOLLOWING THE 11-04-2021 PLANNING AND ZONING MEETING

Board Members Present:	Board Members Absent:	Staff Present:
David Alzamora, Chair	Jack Farrell	Darryn Burich, Planning Director
Jeramy Hooper		Alex Cameron, Planning Supervisor
Julia Latham		Shannon Konstantinou, Clerk to the Board

Approximately 5 member(s) of the public in attendance.

I. Call to Order

Mr. Alzamora called the meeting to order at 04:35 PM, confirmed a quorum was present, and explained the purpose of this meeting.

II. Approval of Minutes

A. 03-04-2021 Regular Meeting Minutes

Ms. Latham moved to approve the minutes of the March 04th, 2021 Regular Meeting. Seconded by Mr. Hooper. Approved by a vote of 3-0.

B. 03-11-2021 Special Meeting Minutes

Ms. Latham moved to approve the minutes of the March 11th, 2021 Special Meeting. Seconded by Mr. Hooper. Approved by a vote of 3-0.

III. General Business

A. 2022 Regular Meeting Calendar

Mr. Hooper moved to approve the 2022 Regular Meeting Calendar. Seconded by Ms. Latham. Approved by a vote of 3-0.

B. Board Organizational Matters

The Board and Staff discussed the nomination of a Fifth Board member.

Mr. Hooper moved to seat Mr. Phillip Shumaker as a permanent member of the Board of Adjustment. Seconded by Ms. Latham. Approved by a vote of 3-0.

The Board made the decision to delay the nomination of Vice Chair to the next Regular Meeting. The Board and Staff discussed the role and opportunity of Alternate members to participate. The Board and Staff discussed role term lengths and determined role term lengths only applied to the role of Chair.

The Board and Staff discussed the upcoming case load.

IV. Next Meeting Date

A. 12-02-2021 Regular Meeting (If Board Has Business to Conduct)

V. Motion to Adjourn

Mr. Hooper moved to adjourn the Regular Meeting. Seconded by Ms. Latham.
Approved by a vote of 3-0 at 04:44 PM.

Respectfully Submitted,

Shannon Konstantinou
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.



PLANNING AND INSPECTIONS DEPARTMENT STAFF REPORT

To: Zoning Board of Adjustment
From: Alex Cameron, Planning Supervisor
CC: Darryn Burich, Planning and Inspections Director
 Shannon Konstantinou, Administrative Specialist
Date: November 22, 2021
Subject: Variance Request for 160 Thunderbird Lane

Applicant:	Julie Bennett
Owners:	Norman and Julie Bennett
Property Location:	160 Thunderbird Lane
Parcel Size:	24,818 square feet or 0.51 acres
PID#	00023301
Zoning:	R-10 (High Density Residential)
Golf Course Setback:	30 Feet
Proposed Setback:	+/- 14.5 Feet
Current Land Use:	Single Family Residential
Proposed Land Use:	Single Family Residential

Request and Background:

This request is to vary the 30' minimum golf course setback from the property line in the R-10 Zoning District to allow for approximately a 14.5' minimum golf course setback on a side lot line abutting the golf course. The 30' minimum golf course setback is applicable to this property on three sides due to the fact that the golf course borders the subject property along three lot lines (see attached map). The lot line to the south is the applicable area and setback subject to this request. The remaining two property lines are considered a front (off cul-de-sac) and side (adjacent to 130 Thunderbird Lane). The R-10 Zoning District has a minimum front setback of 30' and a minimum side setback of 15'. Therefore, this property would have four 30' setbacks and one 15' side setback applied.

The subject lot is part of the subdivision by Pinehurst, Inc. titled *Phase 1 Unit 6* in 1972 as indicated on a map recorded with the Moore County Register of Deeds in Map Book 9, Page 59. Later in 1974, lots 163-173 of the original subdivision were reconfigured as shown on the plat titled *Phase 1 Unit 6a* as recorded in Plat Cabinet 1 Slide 5B. Finally, lots 163 & 165 were combined as shown on the plat

titled Phase 1 Unit 6e as recorded in Plat Cabinet 1 Slide 197 and is the total area subject to this variance request. Records from the Moore County Tax Department and Register of Deeds indicate that the home was built in 1980 and the property was purchased by the current owner in May of this year.

The lot is approximately 0.51 acres in size or 24,818 square feet, which is more than the minimum 10,000 square foot lot size of the R-10 Zoning District. The subject property is surrounded on three sides by Pinehurst Resort Course No. 5, which is zoned RD (Recreational Development District.) The subject property is also adjacent to one existing single family residence that was built around 1978. The other single family residences in the immediate area, which are also part of the original subdivision, are all zoned R-10 and appear to have been built anywhere between the late 1970's and mid 1980's according to Moore County Tax Department records.

The home currently encroaches into the setback at a distance of approximately 20.55' making it a legal non-conforming structure. Due to the existing setback non-conformity, the non-conformity would be allowed to continue but not increase. This means the property is afforded a 20.55' setback on the applicable property line. The applicant is requesting to encroach another six feet maximum to allow for an addition to the home as shown on the submitted plan by the applicant. The proposed addition would not encroach that distance for the total length of the property and setback line. The area of the golf course which borders the lot line of the requested variance is currently wooded and adjacent to the fairway of hole number 7 of Course #5. The subject property has three 30' setbacks, a 15' side setback and the non-conforming 20.55' golf course setback applied.

Along with this report (Exhibit A) staff has included the following labeled exhibits for review and consideration of the Board:

- Exhibit B – Original Subdivision Plat for Phase 1 Unit 6
- Exhibit C – Revised Phase 1 Unit 6a Plat
- Exhibit D – Combined Plat for lots 163 & 165 Phase 1 Unit 6e

The applicant has submitted the following labeled exhibits for review and consideration by the Zoning Board of Adjustment:

- Exhibit E – Application for Variance
- Exhibit F – Deed
- Exhibit G – Existing Conditions Survey indicating existing encroachment
- Exhibit H – Proposed site plan with 6' added encroachment
- Exhibit I – Photos of the subject property in relation to the adjacent golf course

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, 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. 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

The Zoning Board of Adjustment shall not grant a variance unless and until it makes the following findings:

- (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:

In considering the request, the Zoning Board of Adjustment shall hold a public hearing. The Board will review application materials, the general purpose and standards set forth for the granting of variances, and all testimony and evidence received by the Zoning Board of Adjustment at the public hearing;

After conducting the public hearing, the Zoning Board of Adjustment may:

- (1) Have the authority to subpoena witnesses and may request additional information;
- (2) Continue the public hearing on the requested variance;
- (3) Conduct an additional public hearing on the application;
- (4) Grant the requested variance;
- (5) Deny the requested variance;
- (6) Grant the requested variance with conditions. In granting any variance, the Zoning Board of Adjustment may attach appropriate conditions, provided that the conditions are reasonably related to the request.

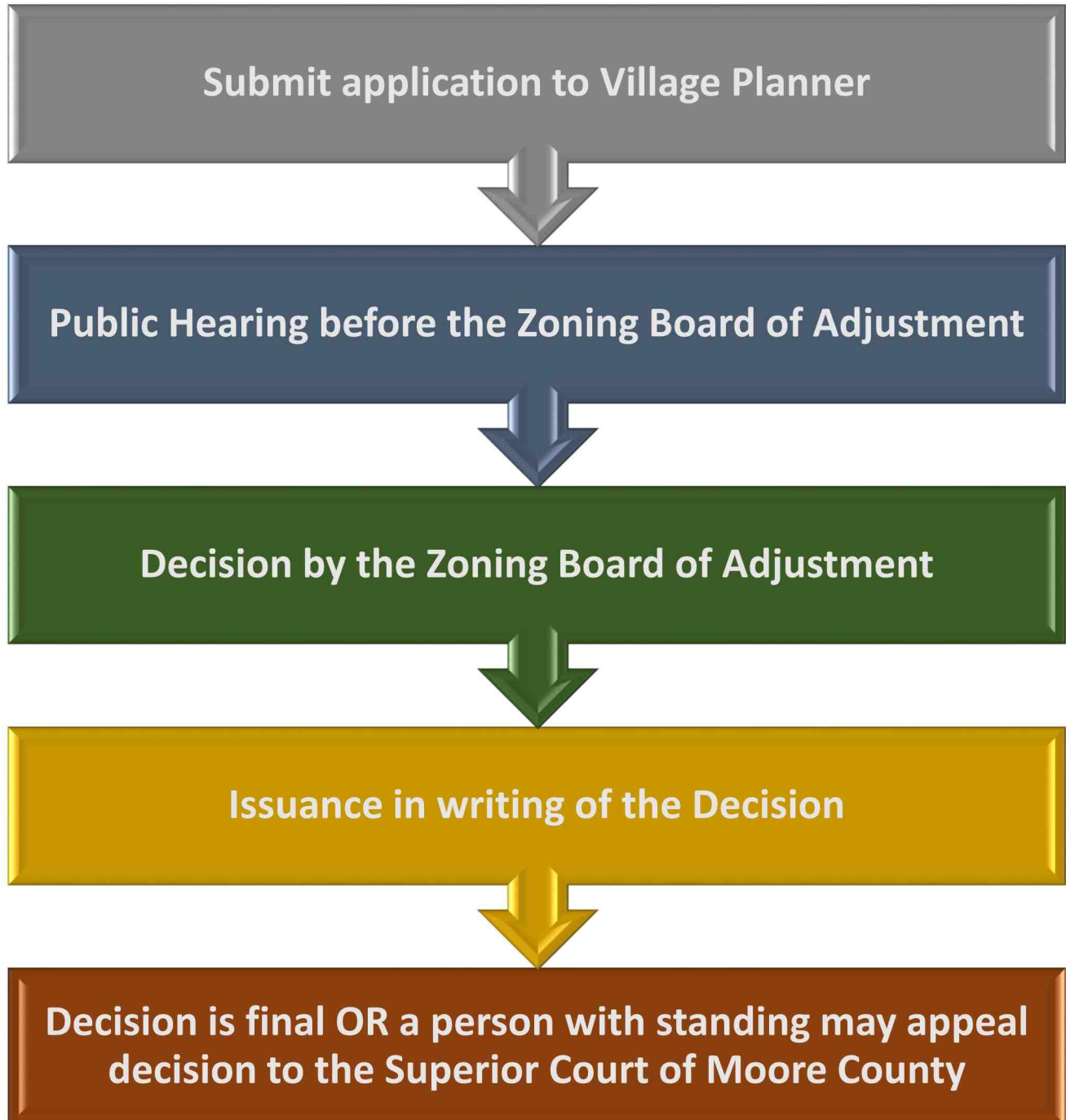
Any approval or denial of the request shall be by resolution, accompanied by written findings of fact that the variance meets or does not meet each of the standards set forth in Standards of Review below, stating the reasons for such findings;

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.

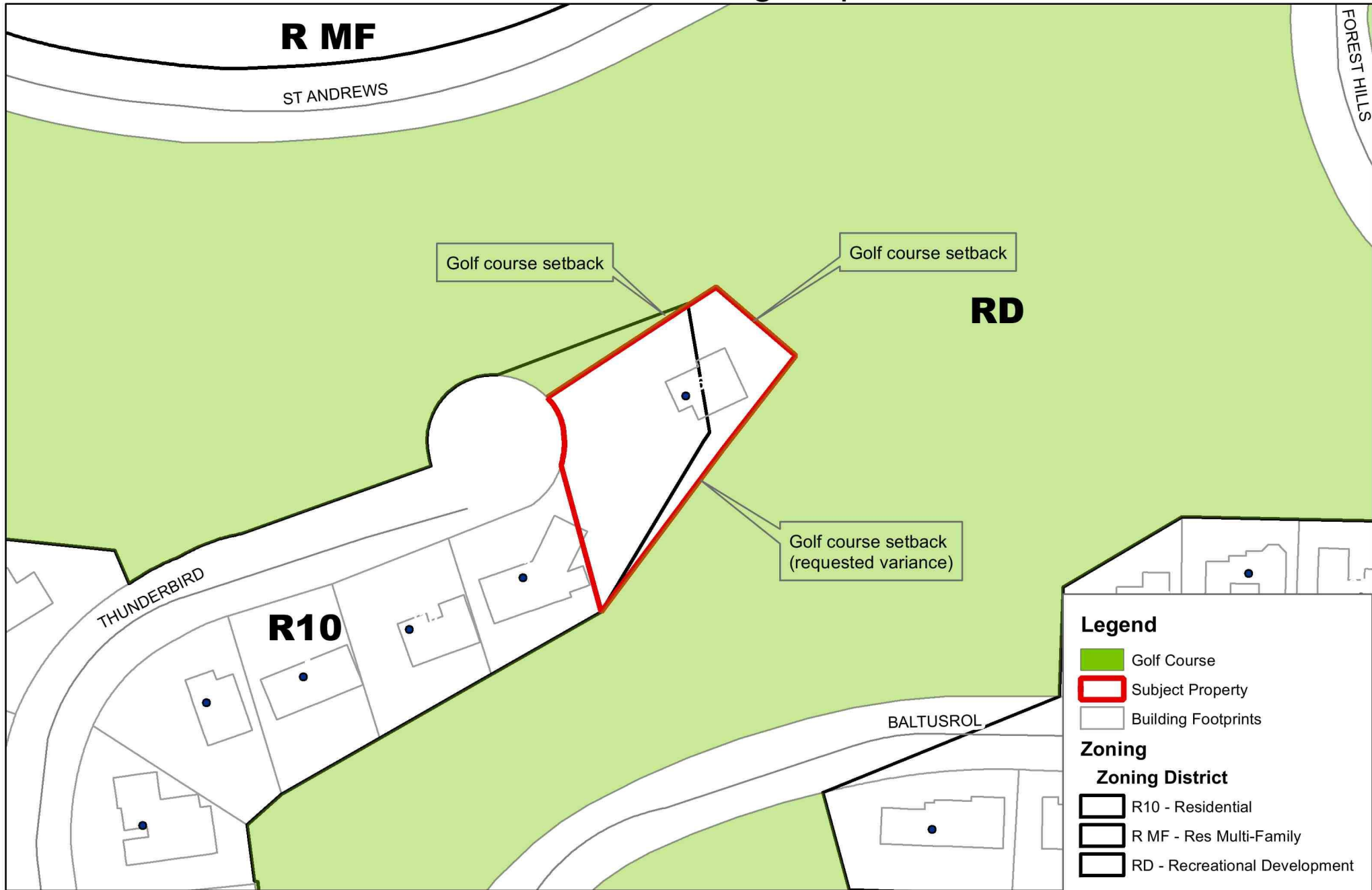
Attachments to Staff Report (Exhibit A)

- Area Zoning Map
- Aerial Map
- Adjacent Property Owner Notification Packet
- Draft Findings of Fact

Variance Process

Area Zoning Map

EXHIBIT A



0 30 60 120 180 240 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). PineH/Basic Map for Boards.mxd 11/18/2021

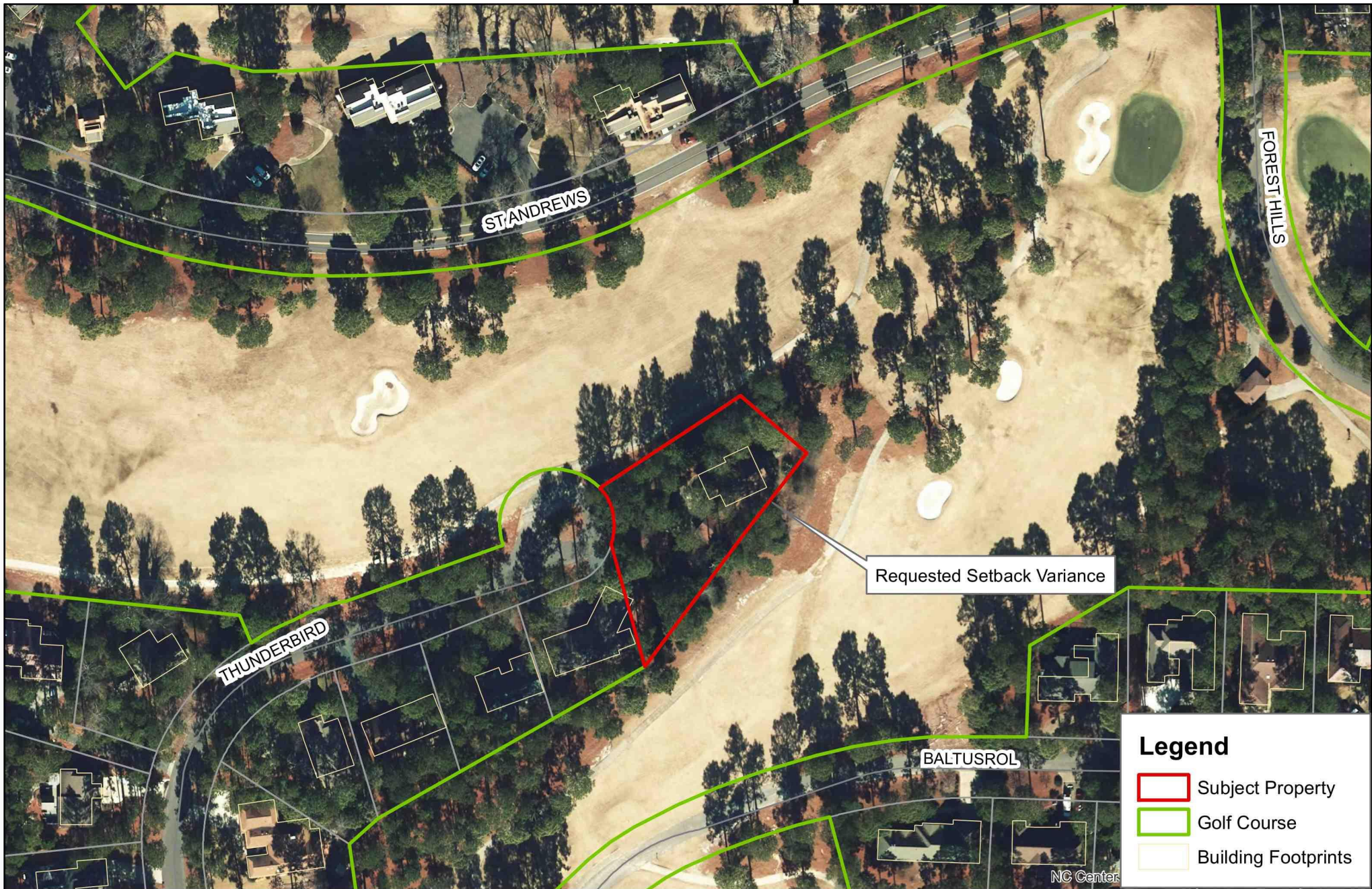
December 2, 2021
Board of Adjustment

160 Thunderbird Lane Variance Request



Aerial Map

EXHIBIT A



0 37.5 75 150 225 300 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.

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Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).

PineHurstBase Map for Boards.mxd

11/22/2021

December 2, 2021
Board of Adjustment

160 Thunderbird Lane Variance Request





HISTORY, CHARM, AND SOUTHERN HOSPITALITY_____

**NOTICE OF PUBLIC HEARING
VILLAGE OF PINEHURST**

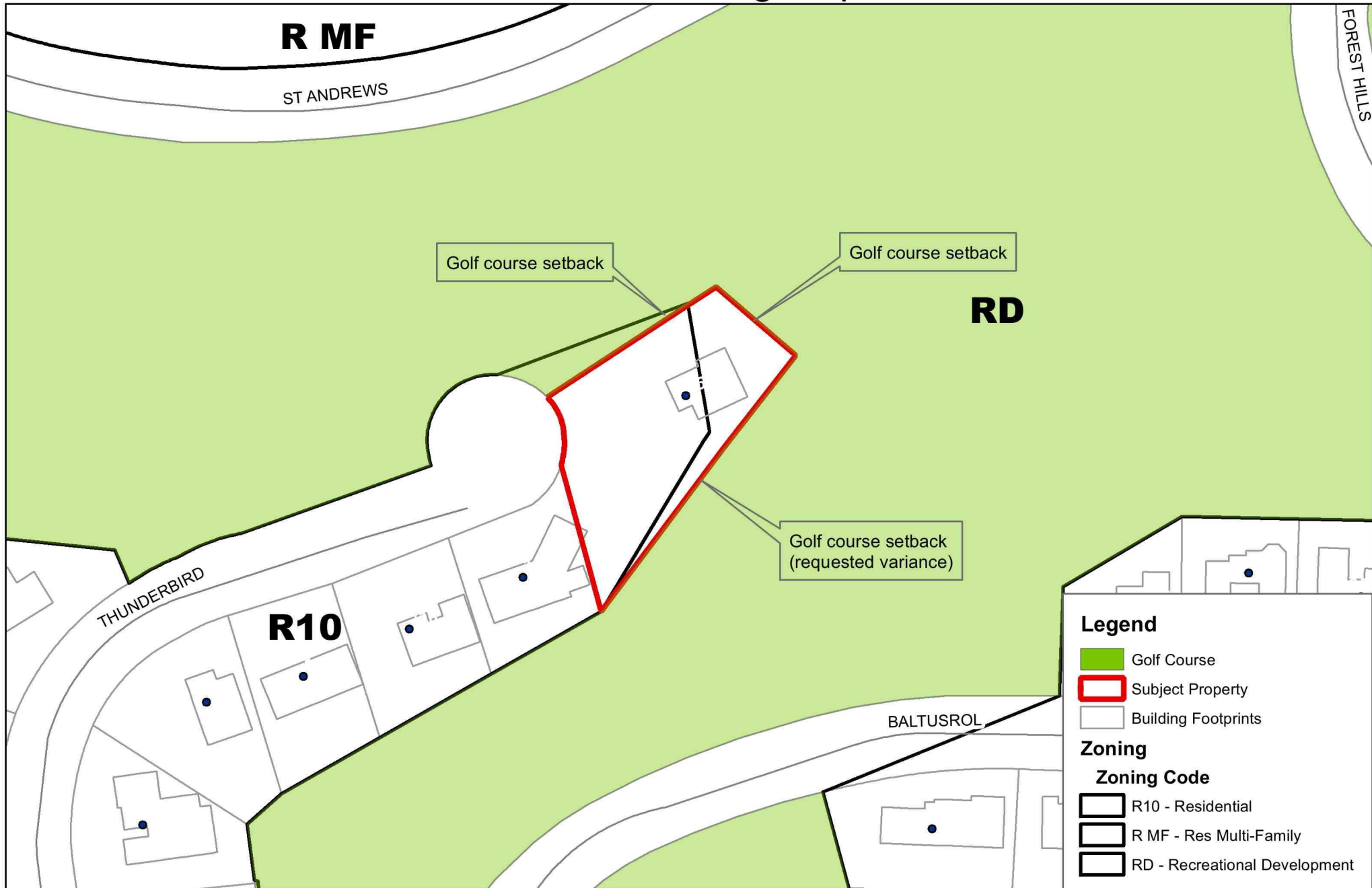
Dear Property Owner:

The Village of Pinehurst Board of Adjustment (BOA) will hold a Public Hearing on Thursday, December 2, 2021 at 4:30 PM 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 Section 9.2a Tables of Dimensional Requirements for the property addressed as 160 Thunderbird Lane, further identified by Moore County PID # 00023301. This property is located within the R-10 (High Density Residential) Zoning District. Specifically, the owners, Norman and Julie Bennett, are requesting a variance from the 30' Minimum Golf Course Setback to allow for a 14.5' setback.

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 Novus Agenda website at <https://pinehurst.novusagenda.com/agendapublic/>.

All persons wishing to participate will be required to provide sworn testimony during the public hearing and will be limited to present factual evidence on the request and be made a matter of record. For more information, please call (910) 295- 2581.



0 30 60 120 180 240 Feet

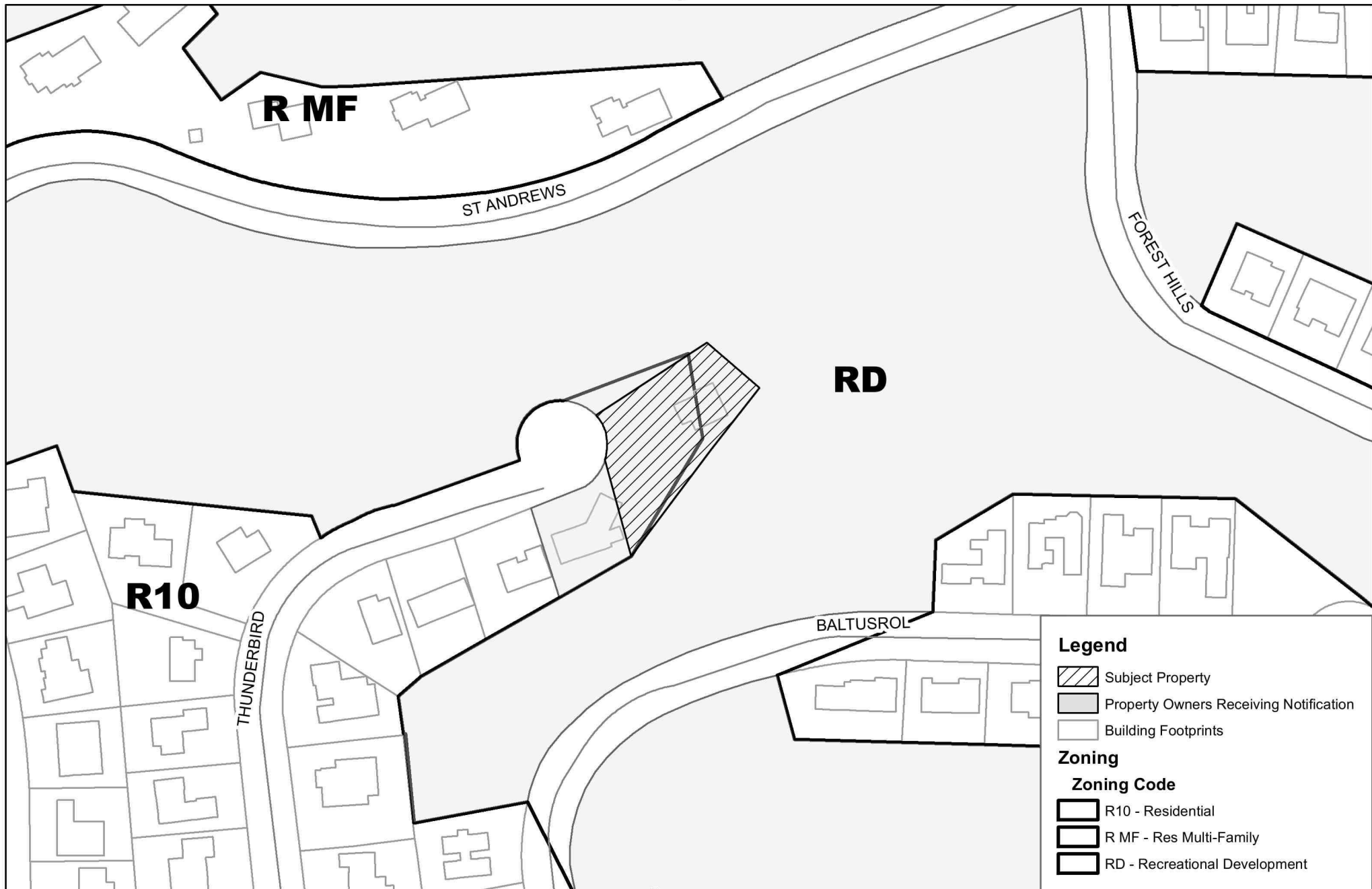
Village of Pinehurst Disclaimer: It is understood that the data contained herein is subject to constant change and that its accuracy cannot be guaranteed. The maps have been created from information provided by various government and private sources at various levels of accuracy. The data is provided 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). PineH/Basic Map for Boards.mxd 11/18/2021

December 2, 2021
Board of Adjustment
160 Thunderbird Lane Variance Request



Public Hearing Notification Map

EXHIBIT A



0 45 90 180 270 360 Feet

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December 2, 2021
Board of Adjustment

160 Thunderbird Lane Variance Request



EXHIBIT A

STONE, THOMASSTONE, FELICITA
130 THUNDERBIRD LN
PINEHURST NC 28374

DOONAN, MARIJANET TRUSTEE
21 CALIBOGUE CAY RD #375
HILTON HEAD ISLAND SC 29928

RESORTS OF PINEHURST INCATTN:
RICHARD HIGGINBOTHAM
PO BOX 4000
PINEHURST NC 28374

NORMAN & JULIE BENNETT
160 THUNDERBIRD LN
PINEHURST, NC 28374



CERTIFICATION OF ADJACENT PROPERTY OWNER NOTIFICATION

Board:

- ☐ Planning and Zoning Board
- ☐ Historic Preservation Commission
- ☒ Board of Adjustment
- ☐ Village Council

Meeting Date:

December 02, 2021

I, certify that all adjacent property owners were properly notified of public hearings for the following properties in accordance with state and local law:

160 Thunderbird Lane

Date Notice Was Mailed:

November 19, 2021

Date Property Was Posted:

November 19, 2021

Alex Cameron

Alex Cameron
Planning Supervisor



HISTORY, CHARM, AND SOUTHERN HOSPITALITY_____

**FINDINGS OF FACT OF THE ZONING BOARD OF ADJUSTMENT
FOR THE VILLAGE OF PINEHURST, NORTH CAROLINA**

VARIANCE FOR 160 THUNDERBIRD LANE

December 2, 2021

**Norman & Julie Bennett
160 Thunderbird Lane
Pinehurst, NC 28374**

RE: Variance request from section 9.2a Tables of Dimensional Requirements for the property at 160 Thunderbird Lane, further identified by Moore County PID # 00023301. This property is located within the R-10 (High Density Residential) Zoning District. Specifically, the applicant and owners, Norman & Julie Bennett request a variance from the 30' Golf Course Setback to allow for approximately a 14.5' Setback.

Dear Mr. and Mrs. Bennett,

This letter serves as the written decision of the Board of Adjustment for the Village of Pinehurst for the variance request referenced above. This memorandum is to inform you that the Village of Pinehurst Zoning Board of Adjustment held a public hearing on **December 2, 2021** where the board considered all evidence submitted and testimony given by the parties, and voted to **approve/deny** the variance request for property at **160 Thunderbird Lane** with the following findings of fact and conclusions of law:



- (A) Unnecessary hardship would **result/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;

- (B) The hardship **results/does not result** 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;

- (C) The hardship **did/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;



HISTORY, CHARM, AND SOUTHERN HOSPITALITY_____

- (D) The requested variance **is/is not** consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

Conditions (If imposed by the Board):

DRAFT



HISTORY, CHARM, AND SOUTHERN HOSPITALITY_____

The foregoing Findings of Fact and Conclusions of Law are to be based on the Official Record in the proceeding that is made up of the official transcripts, meeting video and any documentary evidence submitted within the course of the proceeding.

Any person aggrieved by the decision of the Board of Adjustment may appeal to Superior Court; the appeal should be filed with the Court within 30 days after the Board's decision is filed in the office of the Planning and Inspections Department. You may contact the Planning Department to request a copy of the filed decision. If appealed, Superior Court shall review the record and shall have the power to affirm or reverse the Board's decision or remand the case back to the Board of Adjustment for further review and/or findings.

This is the **2nd** day of **December, 2021**.

David Alzamora
Chair of the Board of Adjustment

Ruling filed with the Village of Pinehurst:

DATE

Shannon Konstantinou
Clerk to the Zoning Board of Adjustment

I, _____, a Notary Public for North Carolina do hereby certify that David Alzamora, Chairperson of the Board of Adjustment, Village of Pinehurst, personally appeared before me this day and acknowledged the foregoing document. Witness my hand and official seal this the _____ day of _____.

 Notary Public

Seal

My Commission expires: _____

BOOK 9 PAGE 59
APR 16 1 24 PM '72
MINERAL SPRINGS TOWNSHIP
SANDHILLS TOWNSHIP
MOORE COUNTY, N.C.

EXHIBIT B

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 29th day of MARCH, A. D., 1972

Willard C. Lewis
Land Surveyor
Registration Number L 744

Sworn to and subscribed before me, this 29th day of March, A. D., 1972

Ruby W. Coleman
Notary Public
My commission expires March 9, 1976

NORTH CAROLINA MOORE COUNTY

The foregoing certificate(s) of Ruby W. Coleman, Notary Public, Moore County, North Carolina, is/are certified to be correct. This

Instrument was presented for registration and recorded in this office at Map Book 9, Page 59, this 6th day of April, 1972, at 1:24 o'clock P. M.

Spencer DeLoach
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 Pipes
- Denotes Concrete Monument
- Control Corner

PINEHURST, INCORPORATED

MOORE COUNTY, NORTH CAROLINA
MINERAL SPRINGS AND SANDHILLS TOWNSHIP

PHASE I, UNIT 6

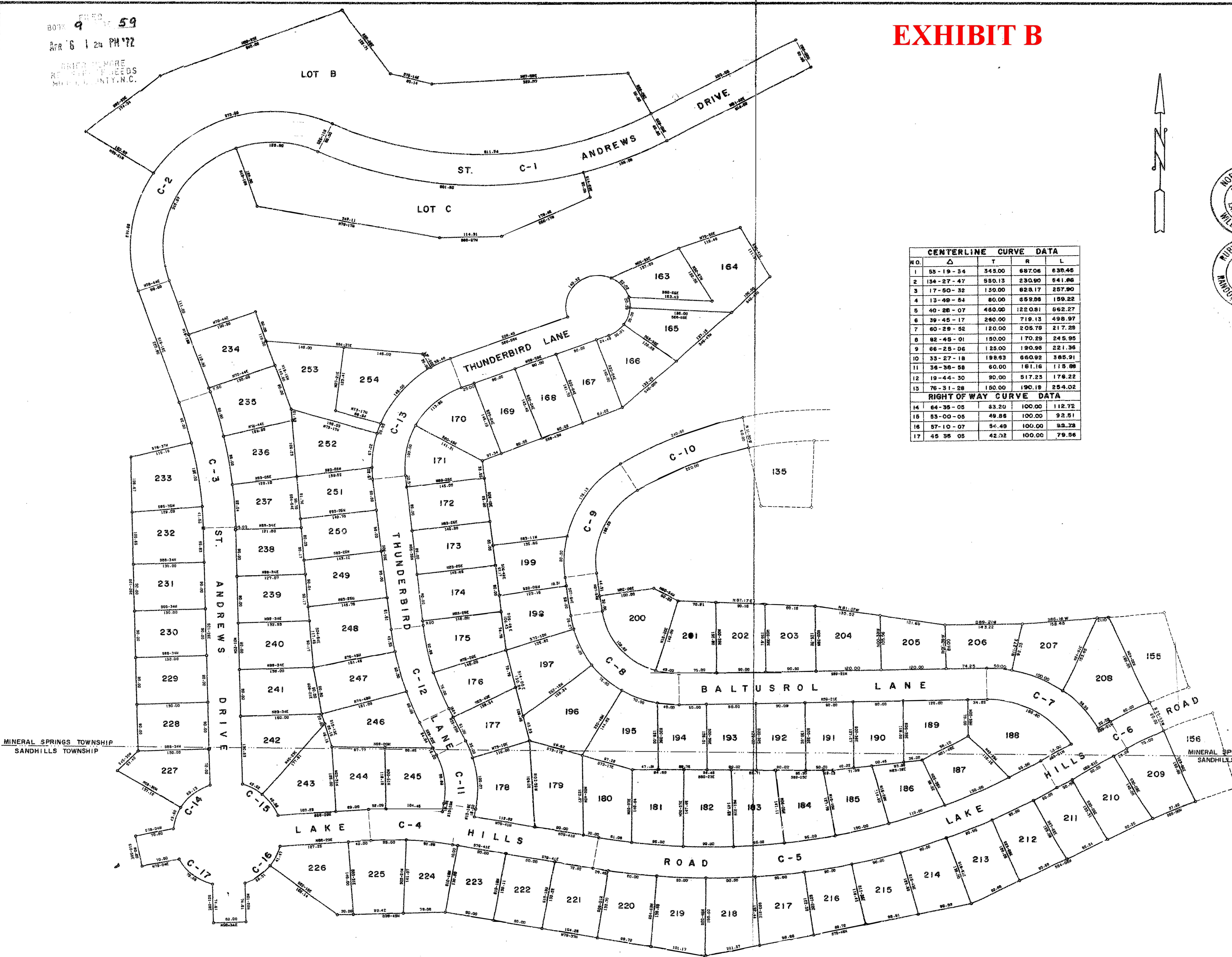
PAGE 3 OF 3 PAGES

SCALE: 1" = 100' MARCH 1972

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.

CENTERLINE CURVE DATA				
N.O.	Δ	T	R	L
1	52-19-34	345.00	687.06	639.46
2	134-27-47	950.13	230.90	541.86
3	17-50-32	150.00	823.17	257.90
4	13-48-54	60.00	653.08	159.22
5	40-26-07	450.00	122.081	562.27
6	39-45-17	250.00	719.13	498.97
7	60-29-52	120.00	205.78	217.29
8	82-49-01	150.00	170.29	245.95
9	66-25-06	125.00	190.99	221.36
10	33-27-18	198.93	660.92	365.91
11	36-36-58	60.00	181.16	115.98
12	19-44-30	90.00	517.25	178.22
13	76-31-28	150.00	190.19	254.02
RIGHT OF WAY CURVE DATA				
14	64-35-05	53.20	100.00	112.72
15	53-00-05	49.88	100.00	92.51
16	57-10-07	54.49	100.00	92.33
17	45-35-05	42.32	100.00	79.56



REPLAT OF PHASE I, UNIT 6 LOTS 163-173

NORTH CAROLINA
MOORE COUNTY

I, Mont B. Gilmore, 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.

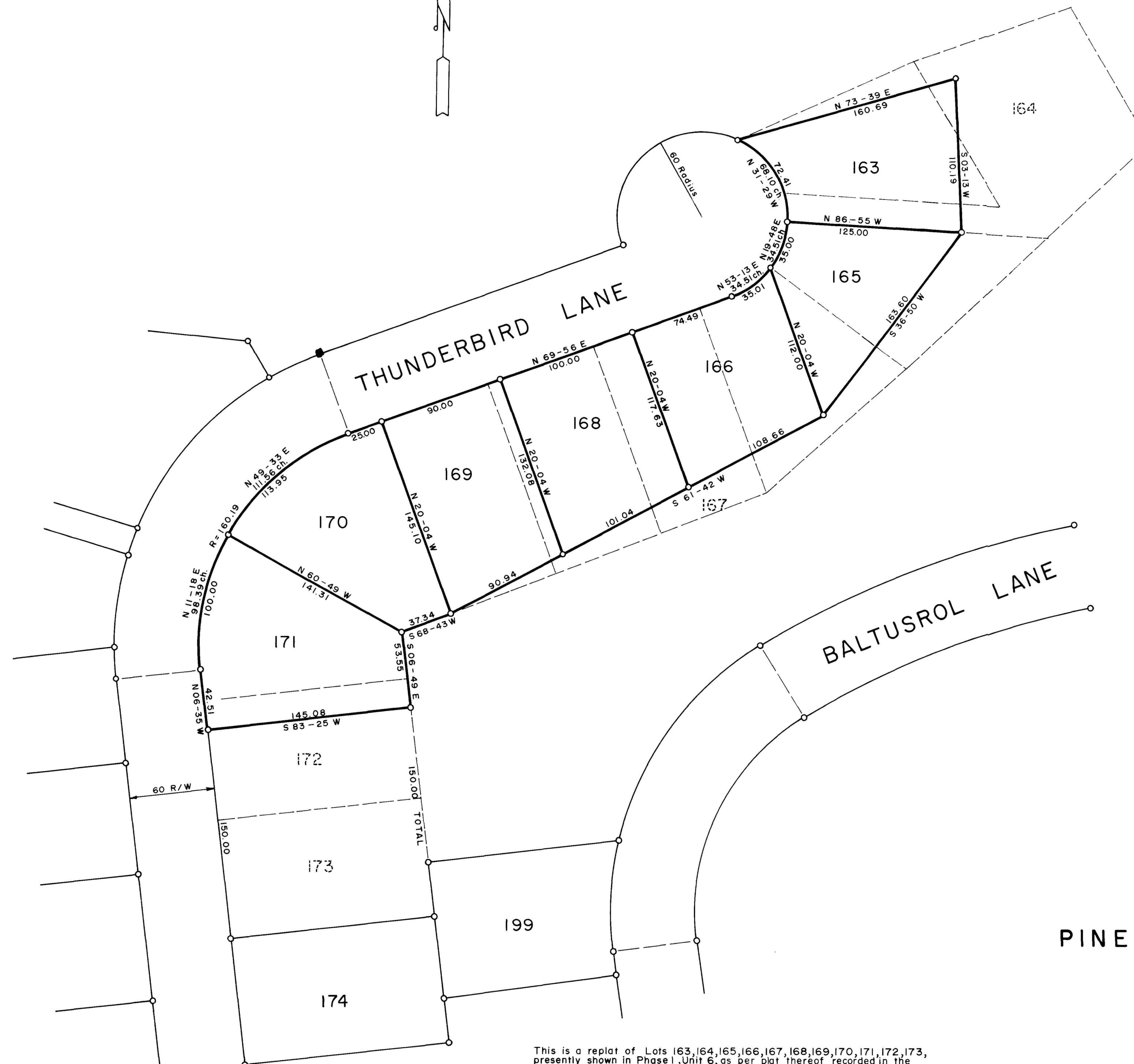
WITNESS my hand and Seal, this 22nd day of April A.D., 1974.

Mont B. Gilmore
Land Surveyor
Registration Number L1402

Sworn to and subscribed before me, this 22nd day of April A.D., 1974.

Philip M. Haley
Notary Public

My commission expires 12-27-77



This is a replat of Lots 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, presently shown in Phase I, Unit 6, as per plat thereof recorded in the Office of the Register of Deeds of Moore County, North Carolina, in Map Book 9 at pages 57-59, inclusive.

The aforesaid lots hereby remain subject to Declaration of Restrictions, Conditions, Easements, Covenants, Agreement, Liens and Charges recorded in the Moore County, North Carolina, Public Registry, in Book 350, 368 at page 308, 540, respectively, the provisions of which shall be incorporated by reference and made a part hereof as though fully recorded and individually set out by separate recordation.

All Bearings shown refer to the North Carolina State Plane Coordinate System.

PINEHURST, INCORPORATED
MOORE COUNTY, NORTH CAROLINA
MINERAL SPRINGS TOWNSHIP

PHASE I, UNIT 6a

SCALE: 1"=50' 0 50 100 200 JUNE, 1973

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

Philip M. Haley, Notary Public
Baldwin
April 24, 1974
Mont B. Gilmore

12:05 P
April 24 1974
1:40 P
April 24 1974
Baldwin
Mont B. Gilmore

EXHIBIT D

NOTE ALL STREETS AND ROADS SHOWN AND DESCRIBED HEREON ARE EXISTING AS SHOWN ON THE PLATS RECORDED IN MAP BOOK 3 AT PAGES 57-59, INCLUSIVE.

PINEHURST INCORPORATED, OWNER OF LOT 63 PHASE 1 UNIT 6a DOES HEREBY CONSENT TO THE REPLAT OF LAND AS SHOWN HEREON.

ATTEST PINEHURST, INCORPORATED

NORTH CAROLINA
MOORE COUNTY

THIS 9TH DAY OF APRIL 1979, J. JERRY SLADE PERSONALLY CAME BEFORE ME AND WHO BEING BY ME DULY SWORN, SAYS THAT HE IS THE PRESIDENT OF PINEHURST INCORPORATED AND THAT THE SEAL AFFIXED TO THE FOREGOING INSTRUMENT IS THE CORPORATE SEAL OF THE COMPANY AND THAT SAID INSTRUMENT WAS SIGNED AND PLACED BY HIM IN BEHALF OF SAID CORPORATION, BY HIS AUTHORITY, DULY GIVEN, AND THE SAID PRESIDENT ACKNOWLEDGED THE SAME, IT IS TO BE THE ACT AND DEED OF SAID CORPORATION.

MY COMMISSION EXPIRES

REPLAT OF PHASE 1, UNIT 6a LOT 163

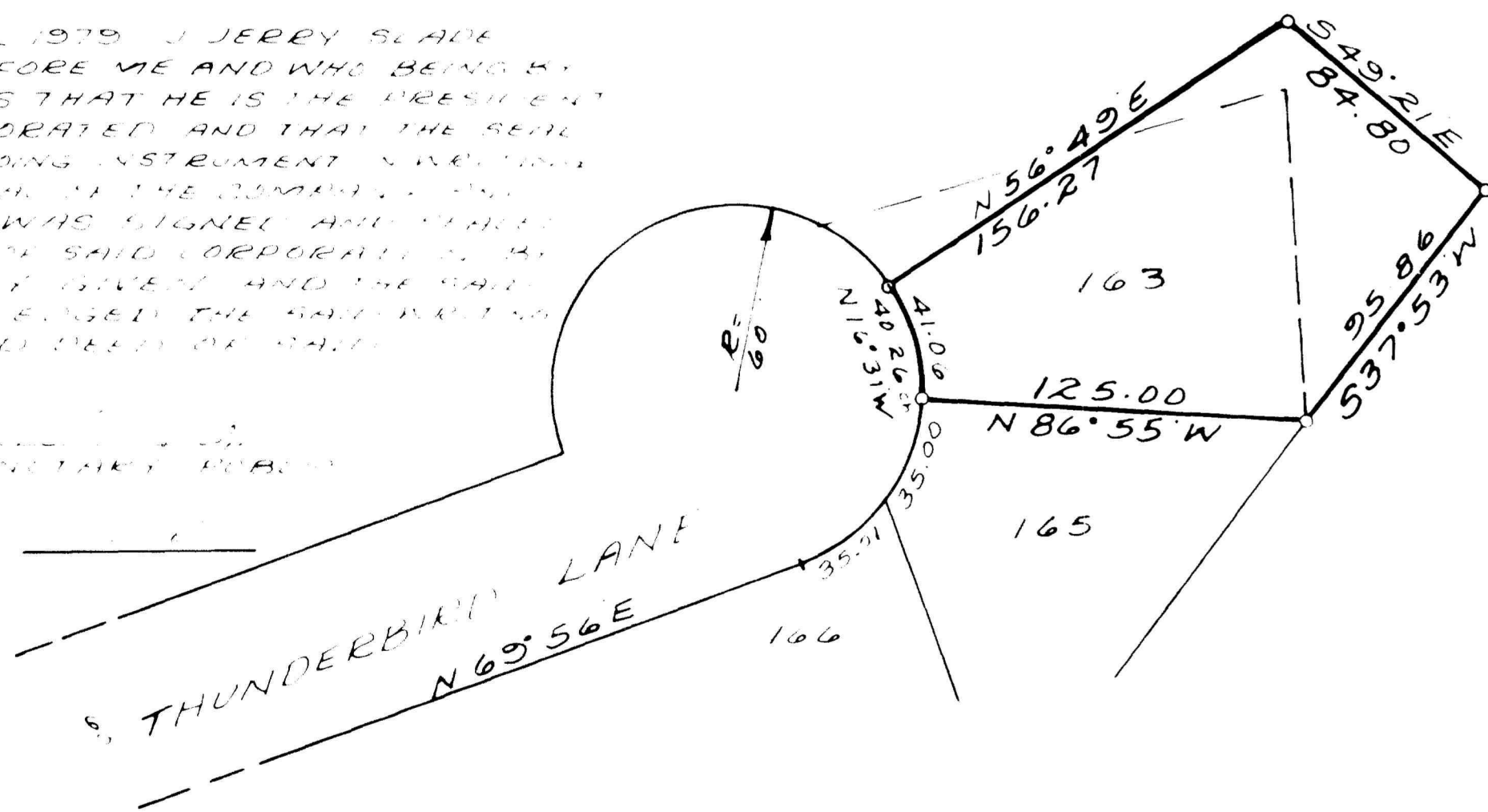
H. D. Silhousew, Notary Public
Moore

N.C.
April 11 1979
Grier, Moore

By Mary K. Phillips

Clert

N



NORTH CAROLINA MOORE COUNTY

I, S. R. SHEFFIELD REGISTERED LAND SURVEYOR DO HEREBY CERTIFY THAT THIS PLAT WAS MADE BY ME FROM MY ACTUAL FIELD SURVEY; THAT THE ERROR OF CLOSURE 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 9TH DAY OF APRIL 1979.

S. R. Sheffield
S. R. SHEFFIELD B.L.S. No 1365

I, A NOTARY PUBLIC OF THE COUNTY AND STATE AFORESAID, CERTIFY THAT S. R. SHEFFIELD PERSONALLY APPEARED BEFORE ME THIS DAY, AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT, WITNESS MY HAND AND OFFICIAL SEAL OF SEAL THIS 9TH DAY OF APRIL 1979.

MY COMMISSION EXPIRES 11/17/79 J. J. Slade

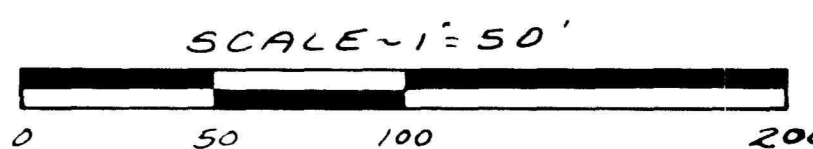
- LEGEND
- REVENUE LOT LINES
 - EXISTING LOT LINES (SUBDIVIDED)
 - LOT LINES CHANGED
 - DENOTES IRON PIPE

THIS IS A REPLAT OF LOT 163 PRESENTLY SHOWN IN PHASE 1, UNIT 6a AS PER PLAT THEREOF RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS OF MOORE COUNTY, NORTH CAROLINA IN PLAT CABINET 1, SLIDE 5-B.

THE AFORESAID LOT HEREBY REMAINS SUBJECT TO DECLARATION OF RESTRICTIONS, CONDITIONS EASEMENTS COVENANTS AGREEMENT, LIENS AND CHARGES RECORDED IN THE MOORE COUNTY, NORTH CAROLINA PUBLIC REGISTRY IN BOOK 350, 368 AT PAGE 308, 540 RESPECTIVELY, THE PROVISIONS OF WHICH SHALL BE INCORPORATED BY REFERENCE AND MADE A PART HEREOF AS THOUGH FULLY RECORDED AND INDIVIDUALLY SET OUT BY SEPARATE RECORDATION.

ALL BEARINGS SHOWN REFER TO THE NORTH CAROLINA STATE PLANE COORDINATE SYSTEM.

PINEHURST, INCORPORATED
MINERAL SPRINGS TOWNSHIP
MOORE COUNTY, NORTH CAROLINA
PHASE 1, UNIT 6a



APRIL 9, 1979
C. H. BLUE AND ASSOCIATES
SOUTHERN PINES, N.C.



Variance
Paid - Fee: \$500
(Revised 09/2019)

Variance Information

The variance process administered by the Zoning Board of Adjustment is intended to provide relief from the zoning requirements of the Pinehurst Development Ordinance (PDO) in those cases where strict application of a particular zoning requirement will create an unnecessary hardship prohibiting the use of land in a manner otherwise allowed. It is not intended that variances be granted merely to remove inconveniences or financial burdens that zoning requirements may impose on property owners in general. Rather, it is intended to provide relief where the zoning requirements render the land difficult or impossible to use because of some unique physical attribute of the property itself, or some other factor unique to the property for which the variance is requested. Please refer to Section 5.1 of the PDO for the requirements of a variance.

When unnecessary hardships would result from carrying out the strict letter of this ordinance, the Board of Adjustment shall vary any of the provisions of this ordinance upon a showing of all of the following:

- (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;
- (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;
- (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.

An application for a variance may be filed only by the owner of the land affected by the variance; an agent or contract purchaser specifically authorized by the owner to file such application; or any unit of government which is not the owner of the lot but proposes to acquire the lot by purchase, gift, or condemnation. Where an agent, or contract purchaser files the application, the agent, or contract purchaser shall provide the Village with written documentation that the owner of the property has authorized the filing of the application.

This application must be completed in full and submitted with the associated fee listed in the Village's Fees and Charges Schedule, which can be accessed at www.vopnc.org/Home/ShowDocument?id=10100.

Property Address	
Street Address	160 Thunderbird Lane
City, State, Zip Code	Pinehurst, NC 28374
Parcel ID #	00023301

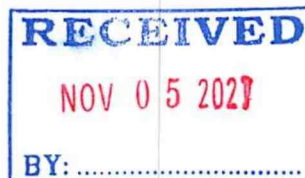




EXHIBIT E

Variance

Fee: \$500

(Revised 09/2019)

Owner Information

Name	Norman & Julie Bennett	Home Phone #	
Street Address	160 Thunderbird Lane	Mobile Phone #	513-615-1341
City, State, Zip Code	Pinehurst, NC 28374	Business Phone #	
Email	Julieshdesigns@gmail.com		

Applicant

Name	Same	Other Phone #	
Email		Street Address	
Mobile Phone #		City, State, Zip Code	

General Information

Legal Basis for Application	☐ Agent or Contract Purchaser Authorized by the Property Owner ☐ Government Agency Proposing to Acquire Land Affected by the Variance ☐ Owner of the Land Affected by the Variance
General Description of Variance Request	To extend the current residence by six feet
Ordinance Section Reference	92a
Ordinance Text (Verbatim)	Setback per see attached table

**EXHIBIT E****Variance**

Fee: \$500

(Revised 09/2019)

Description of unnecessary hardship that would result from the strict application of the ordinance	An addition to the backside of the property will not be possible
Description of how the hardship results from conditions that are peculiar to the property, such as location, size, or topography	The property is .56 of an acre or 24,394 sq. ft. Given the 507 linear ft. of golf course frontage of the property a 30 ft. setback restriction is equal to 15,210 sq. ft. This equates to 62% of the total property that would be
Description of how the hardship did not result from actions taken by the applicant or the property owner	<u>prohibited</u> from reasonable use. The house was built in 1980 prior to the regulations that are in place today.
Explanation of how 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	As seen by the included photos #1, #2, #3 the view from the golf course would remain unchanged. Renovations to the home need to take place on the south east side (7th hole side) due to the excessive number of errant golf balls that are received on the ^{Northwest} southwest (8th hole) side. See included pictures #4, #5, #6.

Required Documents

☐ Written authorization of the property owner (If not filed by owner)

Certification

I hereby certify that the information contained in this application is accurate and complete. I also confirm that I have read and understand the criteria that must be met in order to receive approval for a variance.

Applicant Signature: Julie BennettDate: 11/4/21

For Registration Register of Deeds

Judy D. Martin

Moore County, NC

Electronically Recorded

May 17, 2021 4:41:30 PM

Book: 5617 Page: 162 - 164 #Pages: 3

Fee: \$26.00 NC Rev Stamp: \$910.00

Instrument# 2021011536

This document prepared by:
Donnell G. Adams, Jr., Attorney
100 Market Square
Pinehurst, North Carolina 28374

**STATE OF NORTH CAROLINA
COUNTY OF MOORE**

WARRANTY DEED

THIS WARRANTY DEED is made this 12th day of May, 2021, by and between **MARIJANET DOONAN, TRUSTEE OF THE MARIJANET DOONAN REVOCABLE LIVING TRUST**, of 21 Calibogue Cay Rd., #375, Hilton Head Island, SC 29928 ("Grantor"), and **NORMAN D. BENNETT and wife, JULIE A. BENNETT**, of 160 Thunderbird Ln., Pinehurst, NC 28374 ("Grantee").

W I T N E S S E T H:

THAT the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all of that certain lot, tract, or parcel of land situated in or near the Village of Pinehurst, Mineral Springs Township, Moore County, North Carolina, and more particularly described as follows:

Revised Combination Lot 163, Unit 6, Phase 1, Pinehurst, Incorporated, which Lot is a combination of: (a) Lot 163, Unit 6, Phase 1, Pinehurst, Incorporated, as set forth on a plat thereof recorded in the Office of the Register of Deeds, Moore County, North Carolina in Plat Cabinet 1, Slide 197, and (b) Lot 165, Unit 6A, Phase 1, Pinehurst, Incorporated, as set forth on a plat thereof recorded in the Office of the Register of Deeds, Moore County, North Carolina in Plat Cabinet 1, Slide 5B.

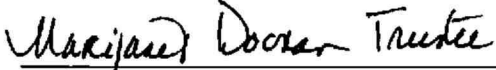
This conveyance is made subject to: (i) ad valorem taxes for the current year, which taxes shall be prorated at closing; (ii) utility easements of record; and (iii) restrictions enforceable against the property.

TO HAVE AND TO HOLD the aforesaid lot, tract or parcel of land, and all privileges and appurtenances thereto belonging to the Grantee in fee simple, subject, however, to the exceptions, reservations and conditions hereinabove referred to;

AND the Grantor covenants with the Grantee, that the Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that the Grantor will warrant and defend the title against the lawful claims of all persons, subject however, to the exceptions, reservations and conditions hereinabove referred to.

The designations "Grantor" and "Grantee" as used herein shall include said parties and their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers by authority of its Board of Directors, on the day and year first above written.

 (SEAL)
MARIJANET DOONAN, TRUSTEE OF THE
MARIJANET DOONAN REVOCABLE LIVING
TRUST

Moore County
North Carolina

I certify that the following person(s) personally appeared before me this day, and (I have personal knowledge of the identity of the principal(s)) (I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a SC DL); each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: **MARIJANET DOONAN, TRUSTEE OF THE MARIJANET DOONAN REVOCABLE LIVING TRUST**

[TO NOTARY PUBLIC: PLEASE AFFIX YOUR NOTARIAL SEAL BELOW, MAKING SURE THAT THE AFFIXED SEAL IS COMPLETE AND LEGIBLE.]

Date: 5/12/2021
(Notary Seal)

Amanda R Smith
Notary Public

My Commission Expires: 10/11/2025

AMANDA R. SMITH
NOTARY PUBLIC
Moore County
North Carolina
My Commission Expires 10/11/2025

Bennett Residence
160 Thunderbird Lane
Julieshdesigns@gmail.com

EXHIBIT G

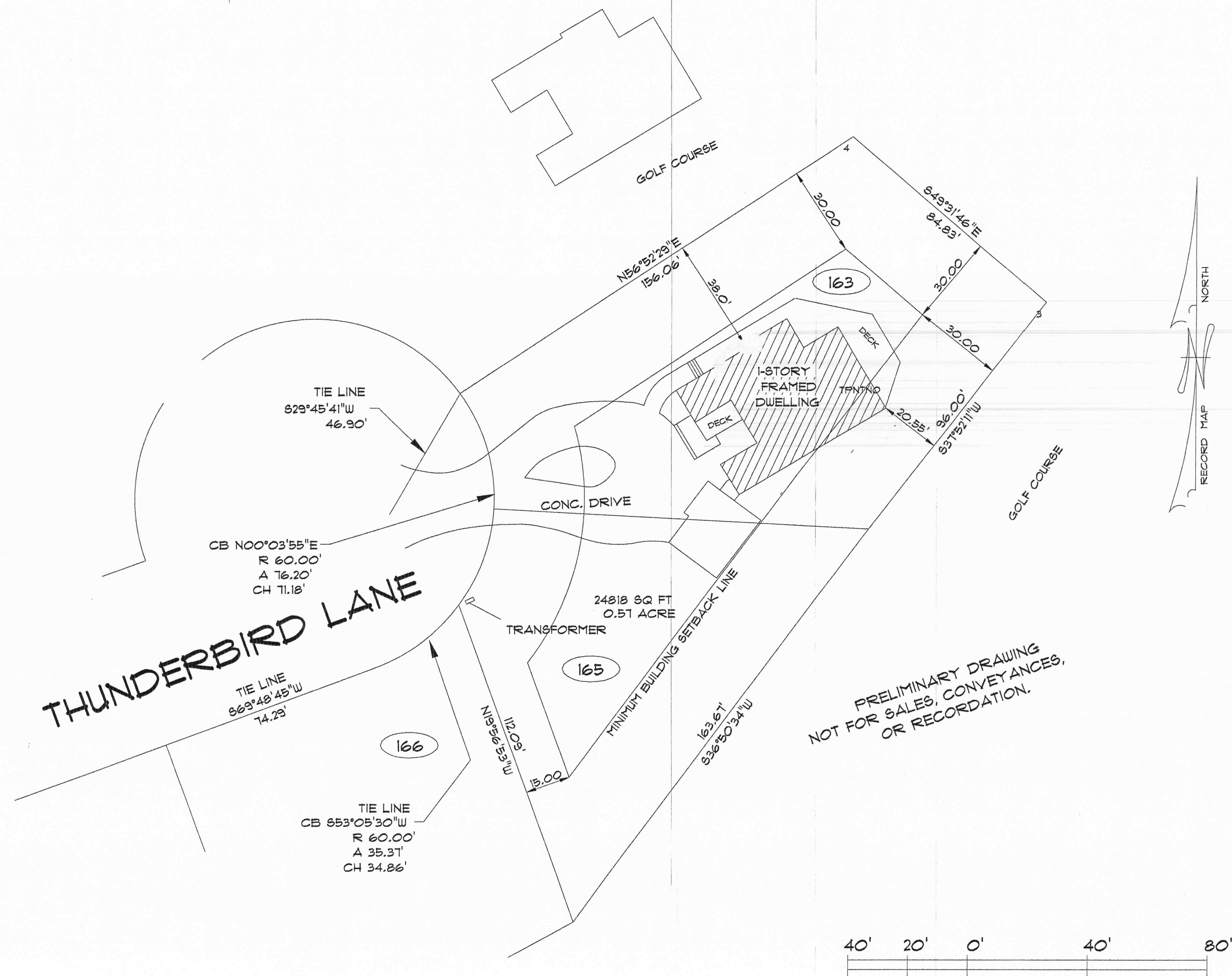
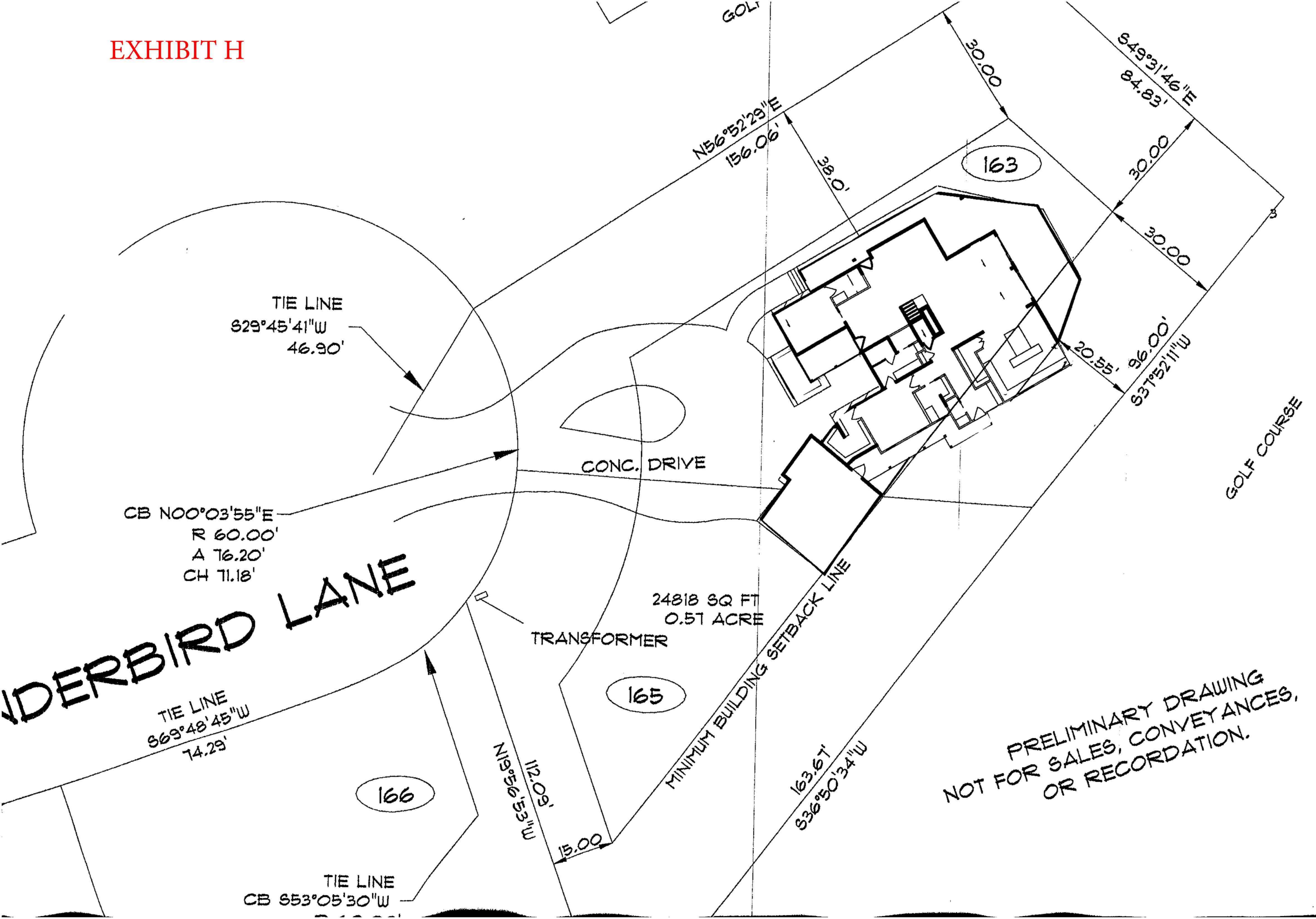


EXHIBIT H



1: Hole #7 - View from fairway looking to green

EXHIBIT I



EXHIBIT I

Hole #7

View from fairway looking to green

2: Hole #7 - View from fairway looking back to tee

EXHIBIT I



②

EXHIBIT I

Hole #7

View from fairway looking back to tee

3: View from turn from #7 to #8

EXHIBIT I



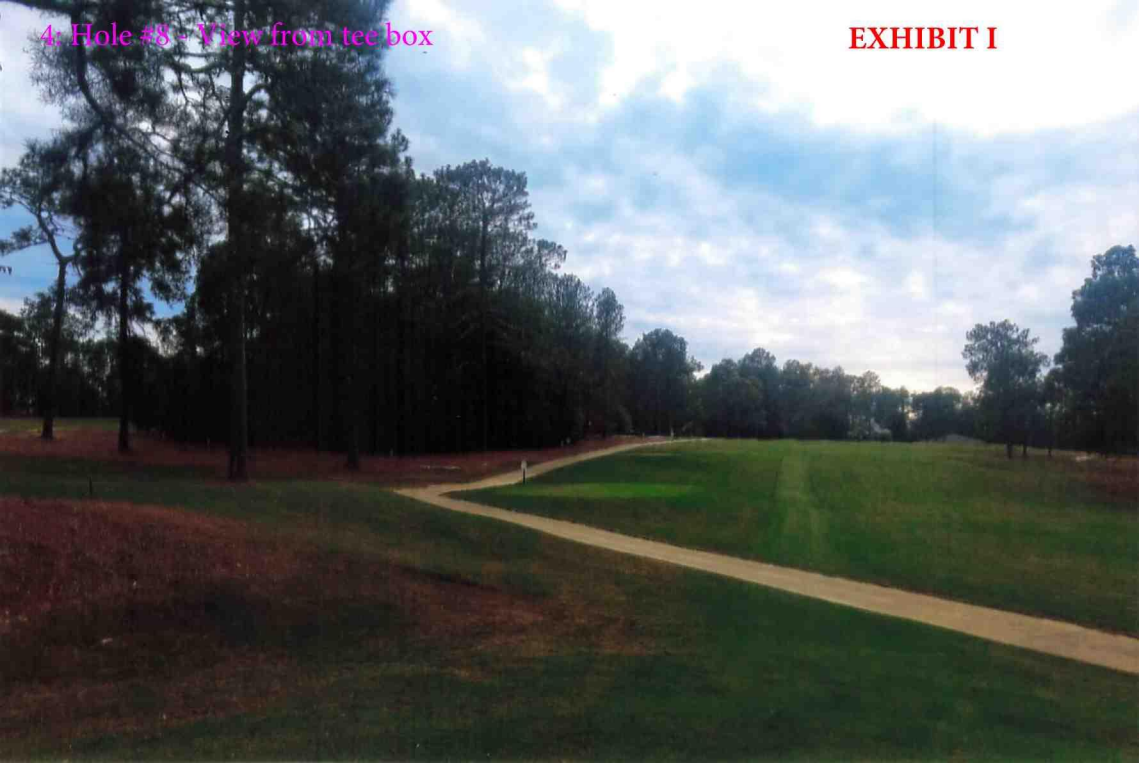
③

EXHIBIT I

View from turn from #7 to #8

4: Hole #8 - View from tee box

EXHIBIT I



④

EXHIBIT I

Hole # 8

View from tee box

5: Hole #8 - View from tee box

EXHIBIT I



⑤

EXHIBIT I

Hole #8

View from tee box

6: Hole #8 - View from tee box, red tee

EXHIBIT I



6

EXHIBIT I

Hole # 8

View from ^{tee box}
~~fairway~~ red tee