



**BOARD OF ADJUSTMENT
DECEMBER 1, 2022
ASSEMBLY HALL**

PINEHURST, NORTH CAROLINA

I. Call to Order

II. Approval of Minutes

A. 07-07-2022 Regular Meeting Minutes

III. Public Hearing

A. PLN-2022-00193 (11 Shenecossett Ln. Variance)

The purpose of the public hearing is to receive testimony for a variance request from Section 9.13 Fences, Walls and Columns (F) Retaining Walls & 9.2a Tables of Dimensional Requirements for the property addressed as 11 Shenecossett Lane, further identified by Moore County PID # 00014624. This property is located within the R-10 (High Density Residential) Zoning District. Specifically, the applicant, Goneau Construction, on behalf of the owners, is requesting the variance to allow for a retaining wall in the golf course setback.

B. PLN-2022-00200 (25 Aronimink Ln. Variance)

The purpose of the public hearing is to receive testimony for a variance request from Section 9.13 Fences, Walls and Columns (F) Retaining Walls & 9.2a Tables of Dimensional Requirements for the property addressed as 25 Aronimink Lane, further identified by Moore County PID # 00024619. This property is located within the R-10 (High Density Residential) Zoning District. Specifically, the applicant and owner, Teresa Johnes, is requesting the variance to allow for a retaining wall in the golf course setback.

IV. Next Meeting Date

A. 01-05-2023 Regular Meeting (If the Board has business to conduct.)

V. 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.



**07-07-2022 REGULAR MEETING MINUTES
ADDITIONAL AGENDA DETAILS:**

FROM:

Shannon Konstantinou

CC:

Darryn Burich; Alex Cameron

DATE OF MEMO:

11/16/2022

MEMO DETAILS:

Attached is a draft copy of the Regular Meeting minutes for your review.

ATTACHMENTS:

Description

📎 07-07-2022 Regular Meeting Minutes



**BOARD OF ADJUSTMENT
REGULAR MEETING
THURSDAY, JULY 07TH, 2022
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA**

04:30 PM or IMMEDIATELY FOLLOWING THE P&Z MEETING

Board Members Present:

David Alzamora, Chair
Jeramy Hooper
Phillip Shumaker
Jack Farrell
Julia Latham

Board Members Absent:

Staff Present:

Darryn Burich, Planning Director
Alfred Cassidy, Senior Planner
Maria Carpenter, Planner
Shannon Konstantinou, Clerk to the Board

Approximately 2 member(s) of the public in attendance.

I. Call to Order

Mr. Alzamora called the meeting to order at 06:50 PM, confirmed a quorum was present, and explained the purpose of this meeting.

II. Approval of Minutes

A. 06-02-2021 Regular Meeting Minutes

Mr. Farrell moved to approve with revisions the minutes of the June 02nd, 2022 Regular Meeting. Revisions: page 5, paragraph 2 to read “Mr. Alzamora stated, based on his experience as a closing attorney, specifics about setbacks and encroachments are not information *that would be discussed* at the time of closing.” Seconded by Mr. Hooper. Approved by a vote of 5-0.

III. General Business

None

IV. Next Meeting Date

A. 08-04-2022 Regular Meeting (If Board Has Business to Conduct)

V. Motion to Adjourn

Mr. Shumaker moved to adjourn the Regular Meeting. Seconded by Ms. Latham. Approved by a vote of 5-0 at 06:53 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.

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DRAFT



PLN-2022-00193 (11 SHENECOSSETT LN. VARIANCE)

ADDITIONAL AGENDA DETAILS:

The purpose of the public hearing is to receive testimony for a variance request from Section 9.13 Fences, Walls and Columns (F) Retaining Walls & 9.2a Tables of Dimensional Requirements for the property addressed as 11 Shenecossett Lane, further identified by Moore County PID # 00014624. This property is located within the R-10 (High Density Residential) Zoning District. Specifically, the applicant, Goneau Construction, on behalf of the owners, is requesting the variance to allow for a retaining wall in the golf course setback.

FROM:

Alex Cameron

CC:

Darryn Burich; Jeff Sanborn

DATE OF MEMO:

11/21/2022

MEMO DETAILS:

Please, see the attached items relating to this Public Hearing.

ATTACHMENTS:

Description

- ☐ Staff Exhibits S-1 to S-3
- ☐ Applicant Exhibits A-1 to A-4



PLANNING AND INSPECTIONS DEPARTMENT STAFF REPORT

To: Zoning Board of Adjustment
From: Alex Cameron, Planning Supervisor
CC: Darryn Burich, Planning and Inspections Director
Alfred Cassidy, Senior Planner
Maria Carpenter, Planner
Kelly Brown, Planning and Zoning Specialist
Shannon Konstantinou, Administrative Specialist
Date: November 22, 2022
Subject: **Variance Request for 11 Shenecossett Lane**

Applicant:	Goneau Construction
Owners:	John and Mary McEachern
Property Location:	11 Shenecossett Ln.
Parcel Size:	13,184 square feet or +/- 0.3 acres
PID#	00014624
Zoning:	R-10 (High Density Residential)
Setback:	Golf Course = 30 Feet Retaining Walls >36" = accessory structure setback
Proposed Setback:	7.5 to 14.7 feet (constructed wall location)
Land Use:	Single Family Residential

Request and Background:

This request is to vary dimensional criteria for retaining walls in the Pinehurst Development Ordinance (PDO). This request would vary the 30' minimum golf course setback from the property line in the R-10 Zoning District to allow for a retaining wall depicted on the survey included with the agenda packet by the applicant (EXHIBIT A-3.2). The 30' minimum golf course setback is applied due to the fact that the golf course borders the rear lot line of the subject property (see attached map). Additionally, Section 9.13 (F) of the PDO does not allow retaining walls over 36 inches to encroach into the rear and side setback for accessory structures (10' for the R-10 Zoning District and 30' for accessory structure setback from the golf course).

EXHIBIT S-1.2

The subject lot (#3) was created as part of the “*Pinehill*” subdivision in September of 1984 as indicated on Plat Cabinet 3 Slide 32 on file with the Moore County Register of Deeds. Records from the Moore County Tax Department and Register of Deeds indicate that the property was purchased by the current owner in June of 2015.

The rear of the subject property borders hole number 15 for Pinehurst Resort Course No. 6 which is zoned RD (Recreational Development District). The surrounding lots along Shenecossett Lane were also created as part of the original subdivision, border golf course property, and include single family homes all built from the early 1990’s to present.

The property is approximately 13,184 square feet in area or .30 acres in size which meets the minimum lot size of the R-10 Zoning District. Prior to construction, the vacant lot had approximately 14 feet of elevation change increasing in height from the front of the lot abutting Shenecossett Lane to the rear fronting the golf course. See attached maps.

In July of this year, Planning and Inspections staff approved an application for a new single-family home on the vacant lot for Goneau Construction. The development was approved per the documents included with the application. The approved site plan is included with the agenda packet material and labeled EXHIBIT A-3.1. The subsequent grading to allow for the approved development of the site left a fairly significant grade or elevation difference at the rear of the lot measuring over four feet.

A retaining wall was not approved as part of the application and was discovered after staff performed scheduled inspections at the site. Staff contacted the applicant to discuss the rules regarding retaining walls. After obtaining a survey it was determined that the retaining wall was constructed not in compliance with the requirements of the PDO. Since that time, the contractor has brought in fill to bring the overall height of the wall and grade change down. The finished height of the retaining wall varies from 20 to 40 inches as depicted on the final as-built survey labeled EXHIBIT A-3.2.

During construction of the site, there were periods of erosion and drainage issues on the site. Staff was called to investigate and followed up with the contractor. The applicant/contractor has indicated that the retaining wall was also constructed to alleviate issues with runoff on the property post construction.

Along with this report and attachments, Staff has included the following exhibits for review and consideration of the Board:

- Exhibit S-2 – Original Subdivision Plat for Phase 2 Unit 11 Lot 102
- Exhibit S-3 – Deed of Ownership

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 – Owner Authorization
- Exhibit A-3.1 & A-3.2 – Approved Site Plan & Final As-built Survey
- Exhibit A-4 – Photos of the constructed wall

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. 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 use 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 if 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:

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

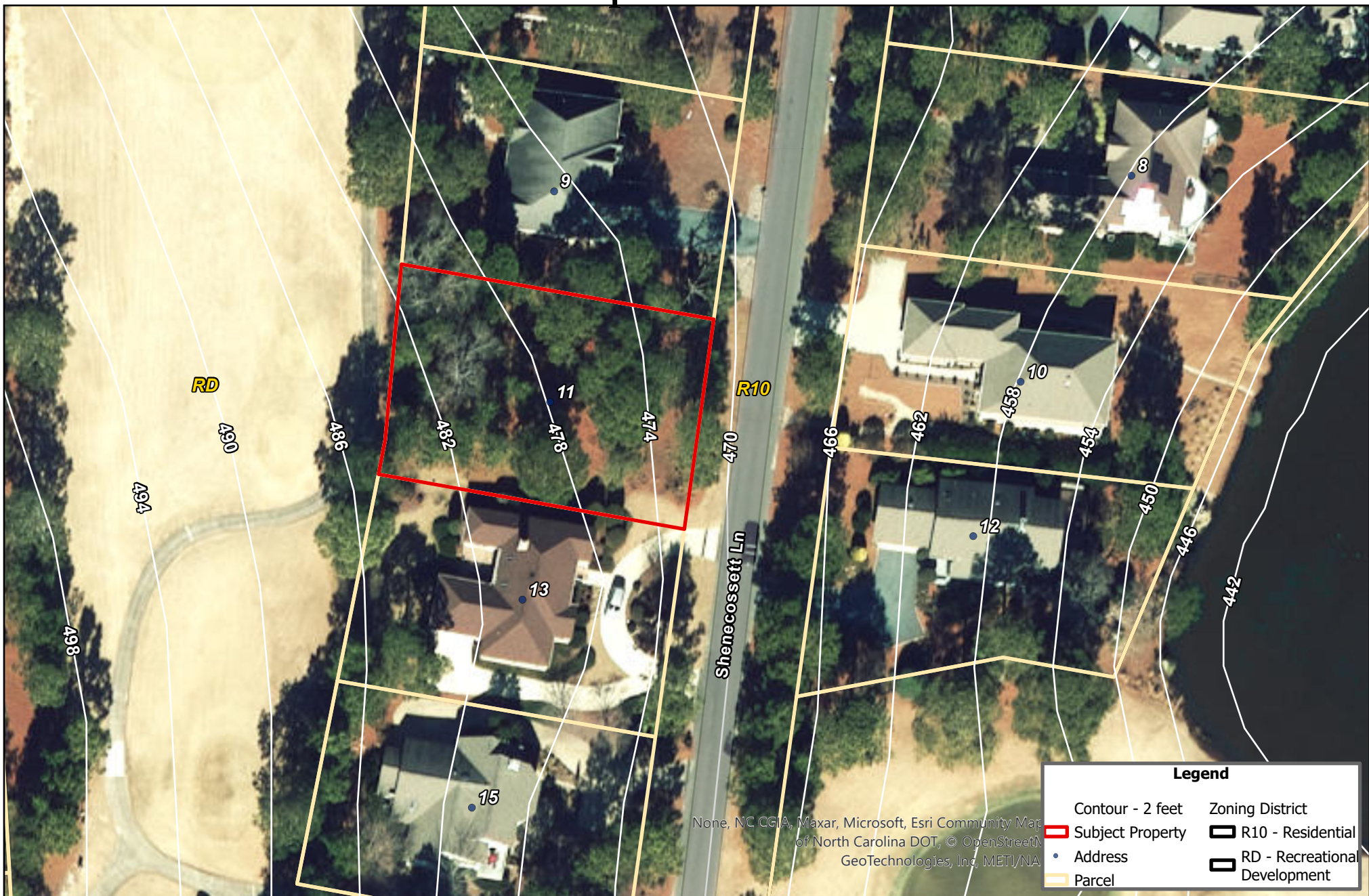
- (1) Have the authority to subpoena witnesses and may request additional information;
- (2) Continue the public hearing on the requested variance;
- (3) Grant the requested variance;
- (4) Deny the requested variance;
- (5) Grant the requested variance with conditions. The Board of Adjustment may attach 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.

Aerial Map with 2 Foot Contour



None, NC CGIA, Maxar, Microsoft, Esri Community Map
of North Carolina DOT, © OpenStreetMap
GeoTechnologies, Inc. METI/NA

Legend

- | | |
|------------------|-------------------------------|
| Contour - 2 feet | Zoning District |
| Subject Property | R10 - Residential |
| Address | RD - Recreational Development |
| Parcel | |

0 85 170 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. Gnd is based on North Carolina State Plane Coordinate System NAD83 (feet).

11/23/2022

December 1, 2022
Board of Adjustment
Variance Request for 11 Shenecossett Lane



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 1, 2022 at 4:30 PM or immediately following the Planning and Zoning Board meeting at 4:00 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.

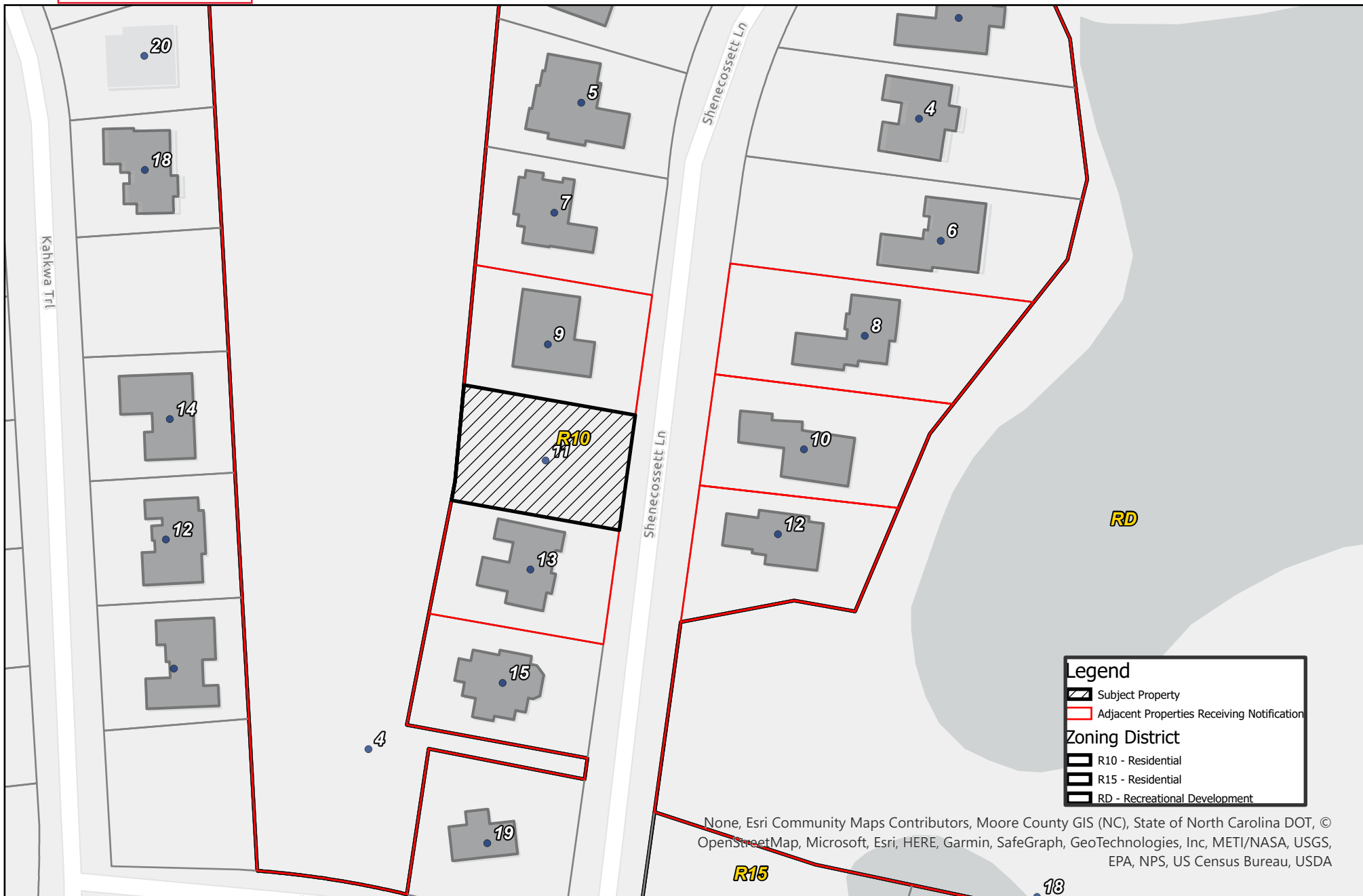
The purpose of the public hearing is to receive testimony for a variance request from Section 9.13 Fences, Walls and Columns (F) Retaining Walls & 9.2a Tables of Dimensional Requirements for the property addressed as 11 Shenecossett Lane, further identified by Moore County PID # 00014624. This property is located within the R-10 (High Density Residential) Zoning District. Specifically, the applicant, Goneau Construction, on behalf of the owners, is requesting the variance to allow for a retaining wall in the golf course 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/>.

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



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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.
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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).

11/16/2022

December 1, 2022
Board of Adjustment
11 Shenecossett Ln Variance Request

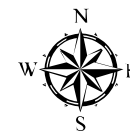


EXHIBIT S-1.8

MCEACHERN, JOHN P
5892 DOWD DAIRY RD
ELIZABETH TOWN, NC, 28337

ARNOLD, JOHN FLOYD &
12 SHENECOSSET LN
PINEHURST, NC, 28374

PALACIOZ, JOHN
9 SHENECOSSETT LANE
PINEHURST, NC, 28374

MCAULIFFE, LOIS R
13 SHENECOSSETT LN
PINEHURST, NC, 28374

BREWSTER, JOHN H & PATRICIA J
8 SHENECOSSETT LN
PINEHURST, NC, 28374

RESORTS OF PINEHURST
PO BOX 4000
PINEHURST, NC, 28374

ALBRITTON, JEFFERY D TRUSTEE
626 SW PALMETTO COVE
PORT SAINT LUCIE, FL, 34986

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON WHICH WAS CONVEYED TO ME BY DEED RECORDED IN THE MOORE COUNTY REGISTER OF DEEDS OFFICE IN BOOK 522 AT PAGE 237 AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT, ESTABLISH MINIMUM BUILDING SETBACK LINES, AND AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED. FURTHER, I CERTIFY THAT THE LAND AS SHOWN HEREON IS WITHIN THE SUBDIVISION REGULATIONS JURISDICTION OF MOORE COUNTY.

Sept. 18, 1984
DATE

Lamar Beach - PRESIDENT
BEACH & BROWN, INC. OWNER

I HEREBY CERTIFY THAT THE WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS INSTALLED, OR PROPOSED FOR INSTALLATION, IN THE SUBDIVISION SHOWN HEREON, FULLY MEETS THE REQUIREMENTS OF THE NORTH CAROLINA BOARD OF HEALTH, THE MOORE COUNTY HEALTH DEPARTMENT, OR ANY OTHER OFFICIAL AGENCY HAVING JURISDICTION, AND ARE HEREBY APPROVED AS SHOWN.

9-24, 1984
DATE

E. Thompson
COUNTY SANITATION OFFICER OR HIS
AUTHORIZED REPRESENTATIVE

I HEREBY CERTIFY THAT STREETS, UTILITIES AND OTHER IMPROVEMENTS HAVE BEEN INSTALLED OR INSTALLATION IS ASSURED IN AN ACCEPTABLE MANNER AND ACCORDING TO COUNTY SPECIFICATIONS IN THE SUBDIVISION SHOWN HEREON, OR THAT A SECURITY BOND IN THE AMOUNT OF \$ HAS BEEN POSTED WITH THE MOORE COUNTY PLANNING BOARD TO ASSURE COMPLETION OF ALL REQUIRED IMPROVEMENTS IN CASE OF DEFAULT.

24 Sept. 1, 1984
DATE

Carl C. Lamban
MOORE COUNTY ZONING ENFORCEMENT
OFFICER

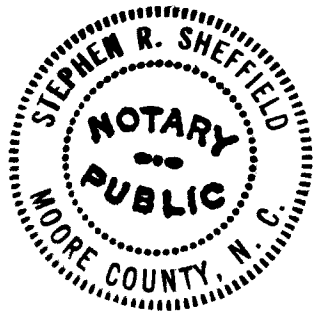
MOORE COUNTY,
NORTH CAROLINA

I, C. H. BLUE, REGISTERED LAND SURVEYOR CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; THAT THIS PLAT IS PREPARED IN ACCORDANCE WITH G. S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 17TH DAY OF SEPTEMBER, 1984.

C. H. Blue
RLS NO. 642

I, STEPHEN R. SHEFFIELD, A NOTARY PUBLIC OF THE COUNTY AND STATE AFORESAID DO HEREBY CERTIFY THAT C. H. BLUE, A REGISTERED LAND SURVEYOR, PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT. WITNESS MY HAND AND OFFICIAL SEAL OR SEAL, THIS 17TH DAY OF SEPTEMBER, 1984.
MY COMMISSION EXPIRES: 1-28-86

Stephen R. Sheffield
NOTARY PUBLIC



OWNERS ADDRESS
BEACH & BROWN, INC.
P.O. BOX 1144
SANFORD, N.C. 27330

PINEHILL

NO NEW ROADS CREATED BY THIS PLAT

PROPERTY OF

BEACH & BROWN, INC.

MINERAL SPRINGS TOWNSHIP, MOORE COUNTY, N. C.

JULY 30, 1984 SCALE 1" = 100'

C. H. BLUE AND ASSOCIATES

SOUTHERN PINES, N. C.

1" = 100' 100 0 100 200
scale feet

PC BOOK 3 PAGE 32
SEP 24 4 02 PM '84

Stephen R. Sheffield, Notary Public
Moore Co. N.C.
September 24, 1984
By Mary R. Phillips

EXHIBIT S-2

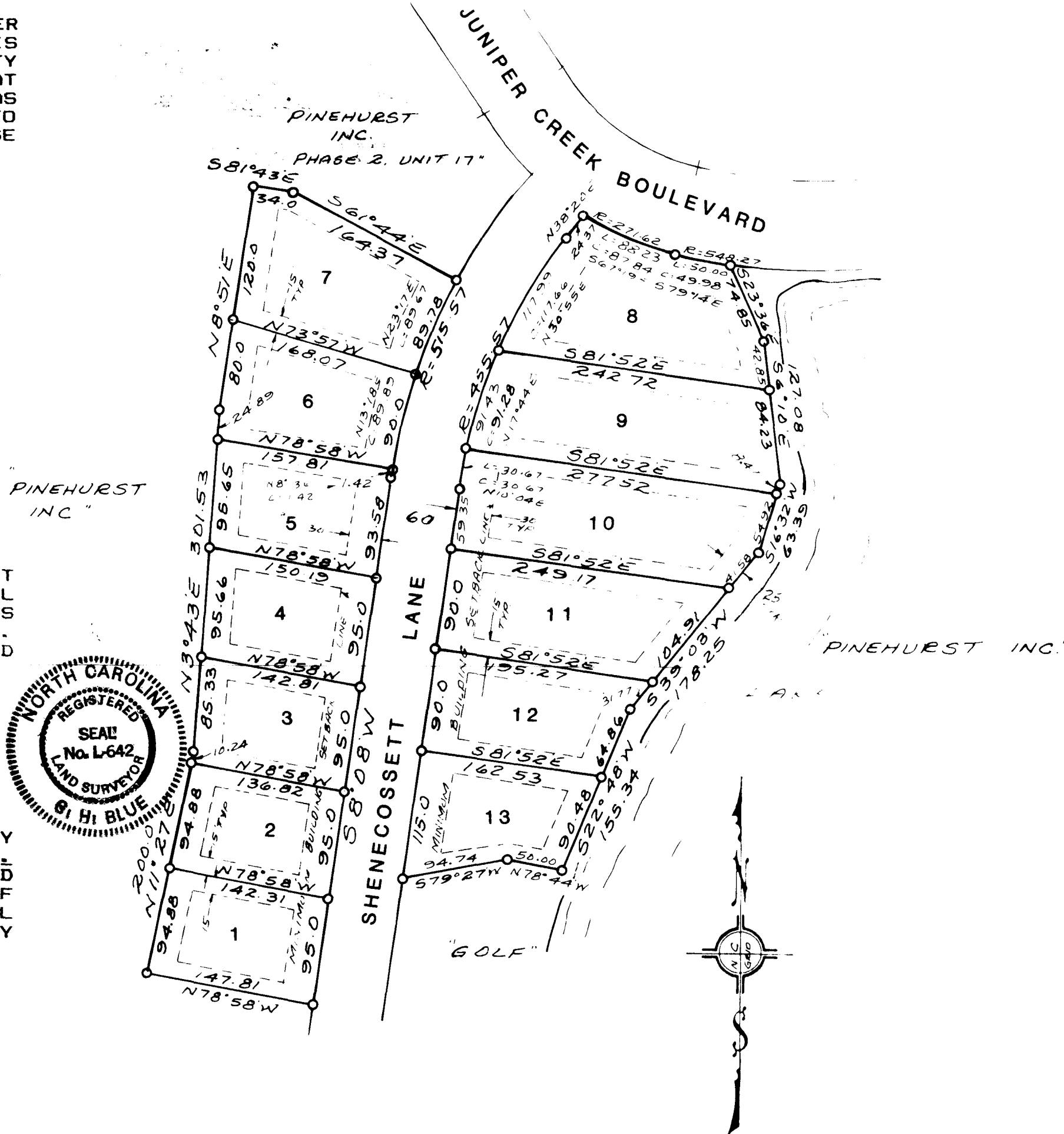
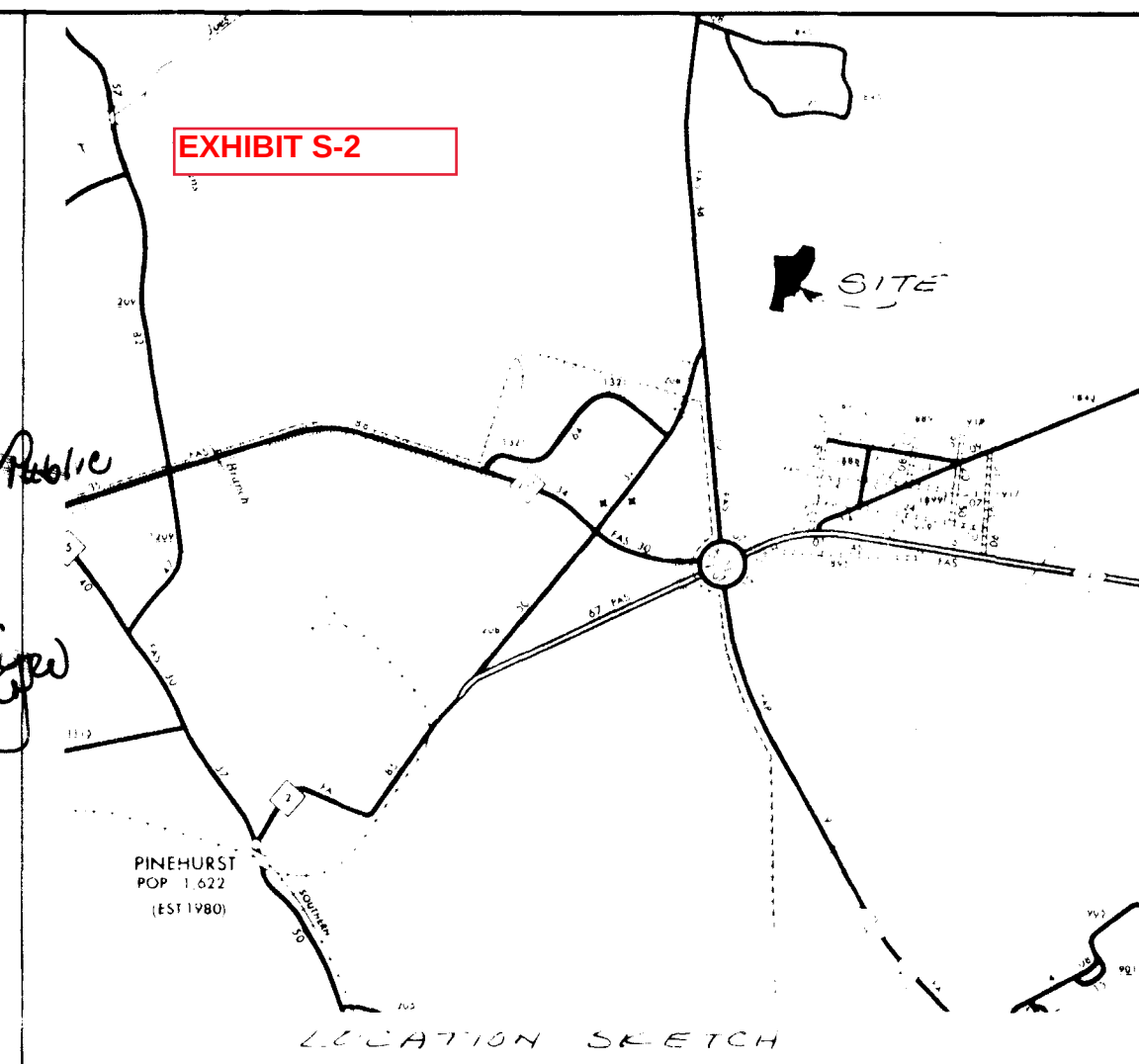


EXHIBIT S-3.1

FOR REGISTRATION REGISTER OF DEEDS
 Judy D. Martin
 Moore County, NC
 June 26, 2015 04:51:56 PM
 Book 4511 Page 90-91
 FEE: \$26.00
 NC REVENUE STAMP: \$110.00
 INSTRUMENT # 2015008394



INSTRUMENT # 2015008394

This Instrument Prepared By:
 H. Craig Phifer, III
 Clarke, Phifer, Vaughn, Brenner & McNeill, PLLC
 135 Applecross Road
 Pinehurst, North Carolina 28374

STATE OF NORTH CAROLINA
 COUNTY OF MOORE

GENERAL WARRANTY DEED

THIS DEED, made this 22nd day of June, 2015 by James J. Dougherty and wife, Pamela P. Dougherty, of ~~9 Shenecossette Lane~~ ^{7 Buckingham Place}, Pinehurst, NC 28374, **GRANTOR**, to John P. McEachern and wife, Mary P. McEachern, **GRANTEE**;

Tax Address: 129 Weir Point Drive, Manteo, NC 27954

WITNESSETH:

That said Grantor, for 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 that certain lot, tract or parcel of land situate in Township, Moore County, North Carolina, and more particularly described as follows:

BEING all of Lot 3, as shown on a map entitled "Pinehill", prepared by C.H. Blue & Associates and recorded on September 24, 1984 in Plat Cabinet 3, Slide 32, of the Moore County Public Registry, to which map and its recordation reference is hereby made for a more complete, accurate and particular description of said lot.

This conveyance is made subject to: (i) utility easements of record; (ii) ad valorem taxes for the current year, which taxes shall be prorated as of the date of closing; and (iii) unviolated restrictive covenants of record that do not materially affect the value of the property.

The property hereinabove described was acquired by Grantor by instrument recorded in Book Moore County Registry, Carthage, North Carolina.

All or a portion of the property herein conveyed [] includes or [x] does not include the primary residence of a Grantor.

EXHIBIT S-3.2

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee that 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 Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions noted herein.

The designation Grantor and Grantee as used herein shall include said parties, 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 the day and year first above written.

James J. Dougherty (SEAL)
James J. Dougherty

Pamela P. Dougherty (SEAL)
Pamela P. Dougherty

=====

COUNTY OF MOORE
STATE OF 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) or 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 [] driver's license or _____, or a credible witness has sworn to the identity of the principal(s); each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

Name of Principal(s): James J. Dougherty and Pamela P. Dougherty.

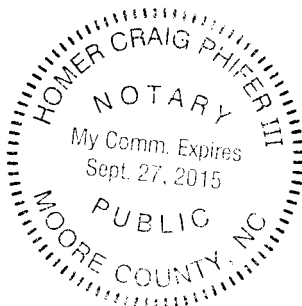
Date: 6/24/2015

Homer Craig Phifer III
Notary Public

Homer Craig Phifer III
Printed or typed name of Notary Public

My Commission Expires: 27 Sept. 2015

[OFFICIAL SEAL]



**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	11 Shenecossett Ln
City, State, Zip Code	Pinehurst, NC 28374
Parcel ID #	00014624



Owner Information			
Name	John P and Mary P McEachern	Home Phone #	
Street Address	5892 Dowd Dairy Rd	Mobile Phone #	(910) 588-4011
City, State, Zip Code	Elizabethtown, NC 28337	Business Phone #	
Email	philmceachern1@gmail.com		

Applicant			
Name	Goneau Construction	Other Phone #	
Email	billy@goneauconstruction.com	Street Address	121 Emerald Necklace Ln
Mobile Phone #	(910) 690-4242	City, State, Zip Code	Pinehurst, NC 28374

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	Goneau Construction is requesting that we are able to keep the retaining wall in place at the 11 Shenecossett Ln, Pinehurst, NC.
Ordinance Section Reference	Section 9.13 Fences, Walls and Columns
Ordinance Text (Verbatim)	(F) Retaining Walls 1. Retaining walls higher than thirty-six (36) inches shall not encroach the front setback for primary structures or the rear and side setbacks for accessory structures. 2. No retaining wall shall be closer than five (5) feet to a property line or right of way line. 3. Retaining wall height shall be measured from the lowest ground elevation to the top of the wall.

**Variance**

Fee: \$500

(Revised 09/2019)

Description of unnecessary hardship that would result from the strict application of the ordinance	Excessive amounts of water drain from the cart path on the golf course onto the owner's property. This creates the potential for issues with the foundation and mold growth in the crawl space. The retaining wall is helping control the watershed by redirecting the overflow to the street (Shenecossett Ln) for effective drainage. This will help control erosion at 11 Shenecossett Ln.
Description of how the hardship results from conditions that are peculiar to the property, such as location, size, or topography	Elevated tee boxes and cart paths direct water onto the property. Water from the house on the left side is also directed onto the property at 11 Shenecossett. The natural hillside grade slopes within two (2) feet of the back of the house where the golf course set back line is located.
Description of how the hardship did not result from actions taken by the applicant or the property owner	The retaining wall is necessary due to the topography of the lot and surrounding properties. This includes controlling run off and erosion from the golf course. As the builder, we had to provide a means to control these issues. We are more than willing to provide bushes or shrubs to serve as a visual barrier.
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	The retaining wall has no affect on anyone other than the homeowner. Its purpose is to provide proper run off control to maintain the structural integrity of the home and lot. As residents of Pinehurst, it's important to the homeowners to maintain the level of standards that are essential to living here. During construction, the wall appeared to be sixty (60) inches above grade. After final grade is established on the house side of the wall, the grade will not exceed thirty (30) inches tall at its highest point. Also, the wall will only be visible to the homeowner. Not from the golf course.

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: _____

Billy Hornbaker
Billy Hornbaker Superintendent
Goneau Construction

Date: 10/7/2022**Planning and Inspections Department**

395 Magnolia Rd - Pinehurst, North Carolina 28374
(910) 295-8660 - Fax (910) 295-1396 - www.vopnc.org

EXHIBIT A-2



October 5, 2022

To Whom it May Concern:

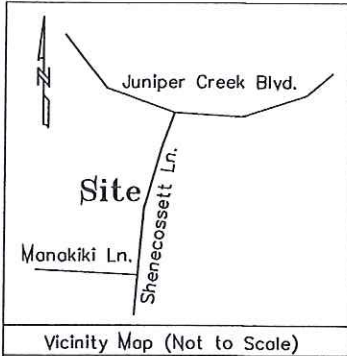
It has been brought to our attention that we need to apply for a variance regarding the retaining wall at 11 Shenecossett Ln, Pinehurst, NC 28374.

As the owners of this property, we give Goneau Construction permission to represent us in this matter.

With Gratitude,

A handwritten signature in black ink, appearing to read "John P. McEachern".

John P and Mary P McEachern



DESIGNER
GONEAU CONSTRUCTION | DESIGN | DEVELOPMENT
MARCEL O. GONEAU, AIBD PROFESSIONAL MEMBER
P.O. BOX 4389
PINEHURST, NC, 28374
PHONE: (800)695-4317 OR (910)585-0618
EMAIL: contact@goneauconstruction.com
WEBSITE: www.goneauconstruction.com

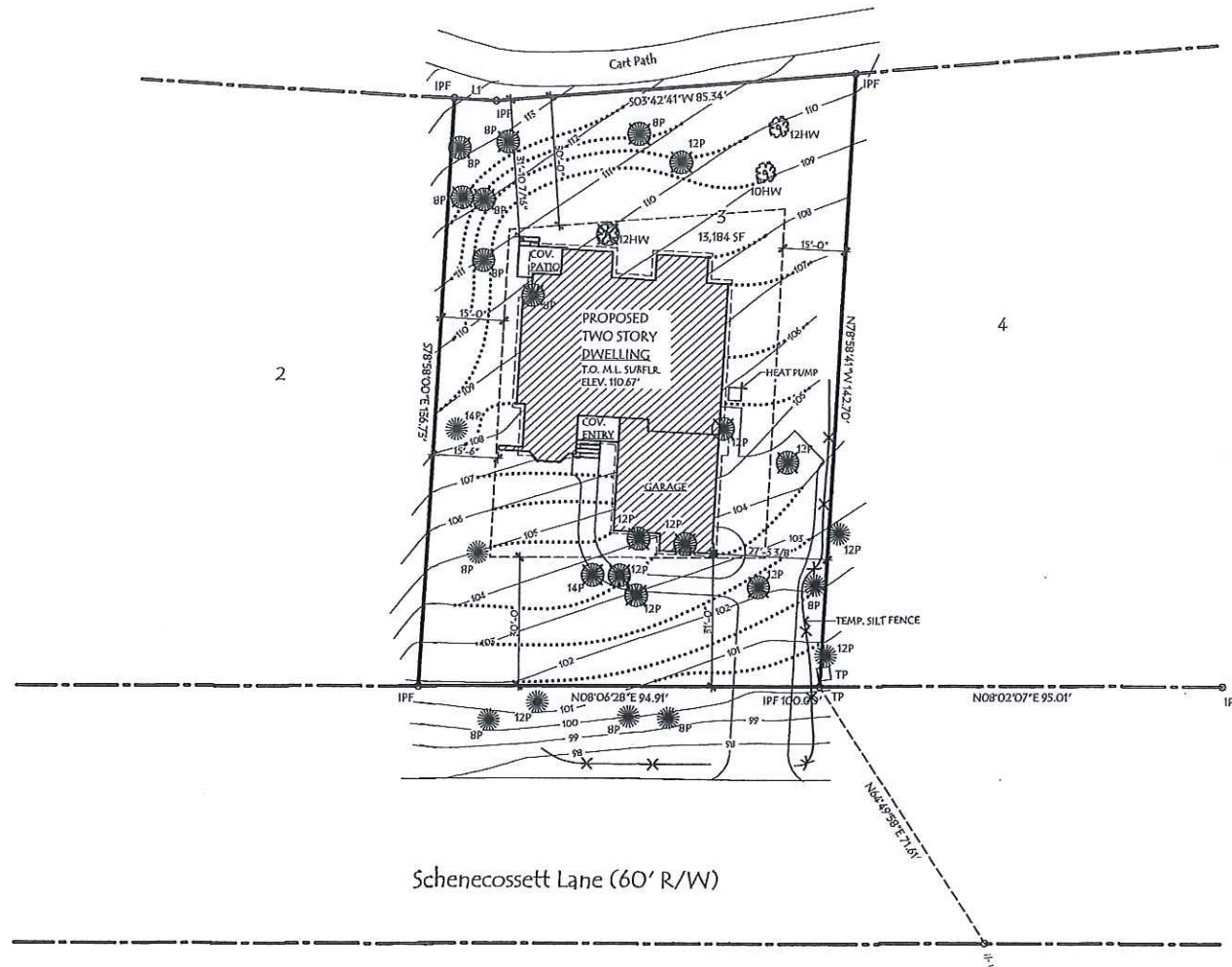
OWNER
PHILIP & MARY McEACHERN
5892 DOWD DAIRY RD.
ELIZABETHTOWN, NC, 28337-1340

PHILIP McEACHERN
PHONE: (910)588-4011
EMAIL: philmceachern@gmail.com

BUILDER
STRUCTURES CONSTRUCTION INC.
MARCEL O. GONEAU, AIBD PROFESSIONAL MEMBER
LICENSE No: 54285
PHONE: (800)695-4317 OR (910)585-0618
121 EMERALD NECKLACE LANE
PINEHURST, NC, 28374

GONEAU CONSTRUCTION | DESIGN | DEVELOPMENT
P.O. BOX 4389
PINEHURST, NC, 28374
PHONE: (800)695-4317 OR (910)585-0618
EMAIL: contact@goneauconstruction.com
WEBSITE: www.goneauconstruction.com

EXHIBIT A-3.1



1 SITE PLAN
A1.1 SCALE: 1" = 20'

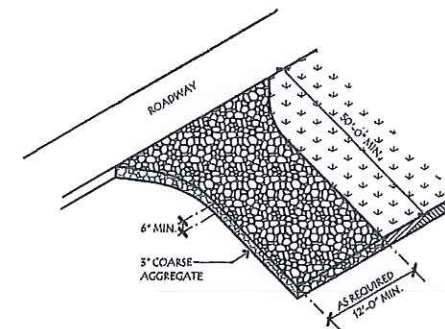
NOTE:
THIS DRAWING WAS GENERATED BASED ON A TOPOGRAPHIC SURVEY
COMPLETED ON 22 JUNE 2020 BY:
RYAN McBRYDE LAND SURVEYING-PLANNING
LICENSE #: C-2680
P.O. BOX 1013
105-A PARKWAY DR.
ABERDEEN, NC 28315

SITE SUMMARY: TWO STORY DWELLING

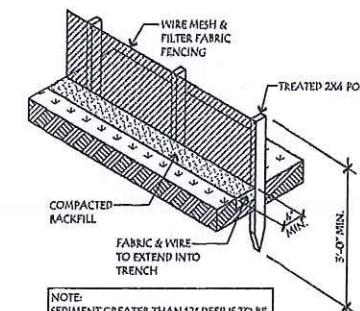
ZONING:	SETBACK REQUIREMENTS:	
	TOWN NAME	ACTUAL
R10	FRONT:	30'-0" 31'-0"
	LEFT SIDE SIDE:	15'-0" 15'-6"
	RIGHT SIDE SIDE:	15'-0" 27'-3 3/8"
	REAR:	30'-0" 31'-10 7/16"

AREA CALCULATIONS:

HEATED:	MAIN LEVEL	= 1,850.00 S.F.
	UPPER LEVEL	= 895.00 S.F.
	TOTAL	= 2,745.00 S.F.
UNHEATED:	MAIN LEVEL	= 0.00 S.F.
	UPPER LEVEL	= 137.00 S.F.
	TOTAL	= 137.00 S.F.
GARAGE		= 622.00 S.F.
COVERED ENTRY		= 62.00 S.F.
ANY & ALL OTHER COVERED SPACES		= 36.00 S.F.
TOTAL BUILDING FOOTPRINT		= 2,570.00 S.F.
PATIO		= 43.00 S.F.
LOT AREA		= 13,184.00 S.F. ± 0.30 ACRE
BUILDING COVERAGE		= 22.612.00 S.F. ± 20%
IMPERVIOUS AREA		= 1,665.00 S.F. ± 13%
AREA DISTURBED DURING CONSTRUCTION		= 7,510.00 S.F. ± 57%



2 TEMPORARY CONSTRUCTION
ENTRANCE / EXIT
A1.1 N.T.S.



NOTE:
SEDIMENT GREATER THAN 12" DEEP IS TO BE
REMOVED. ANY UNDERMINING & EROSION
SHOULD BE REPAIRED IMMEDIATELY.

3 TEMPORARY SILT FENCE
A1.1 N.T.S.

REVISION	DATE
N/A	N/A
N/A	N/A
N/A	N/A
N/A	N/A
N/A	N/A
N/A	N/A

PROFESSIONAL
MEMBER
AMERICAN INSTITUTE
OF BUILDING DESIGN

construction
design
development

GONEAU

NEW PLANS FOR

PHILIP & MARY McEACHERN

"CUSTOM"

ADDRESS:
11 SHENECOSSETT LN.
PINEHURST, NC
28374

Site Plan

SHEET No:

A1.1

OF:
TOTAL SHEETS

DATE:
03 MAR. 2021

SCALE:
AS NOTED

DRAWN BY:
ARP

CHECKED BY:
MOG

JOB No:
YEAR-PROJ. #



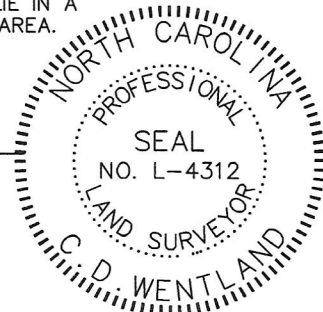
I CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION: THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM INFORMATION SHOWN HEREON; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY IS 1/10,000+; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56. 1600).

FURTHER:

I HEREBY CERTIFY THAT THE PREMISES SHOWN AND DESCRIBED HEREON, DO NOT LIE IN A F.E.M.A. DESIGNATED FLOOD PLAIN AREA.

C. D. WENTLAND, PLS NO. 4312

DATE: 11/03/2022.



RET. WALL HEIGHTS

- A = 20"
- B = 40"
- C = 38"
- D = 39"
- E = 27"

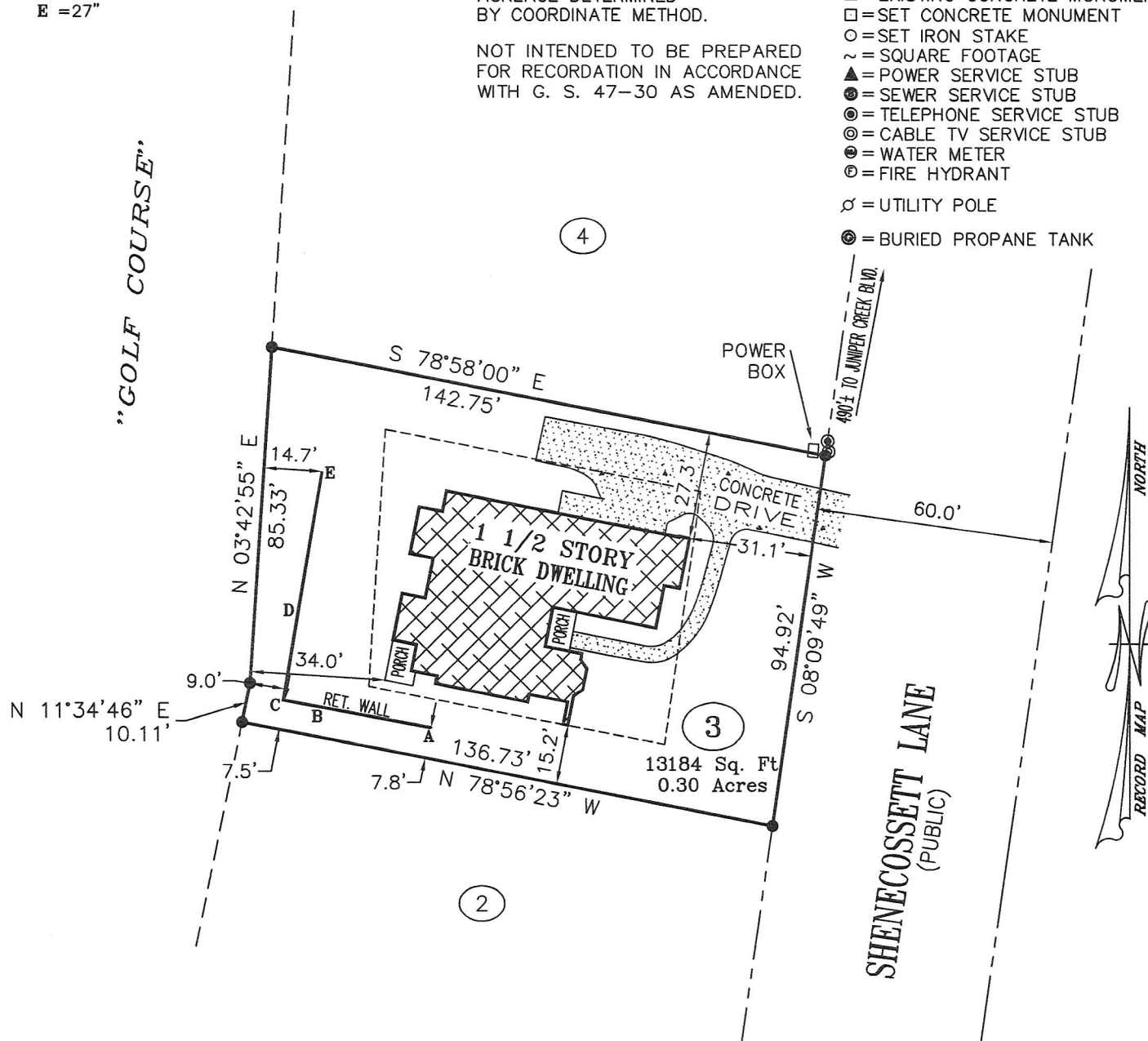
REFERENCE:
PLAT CABINET 3, SLIDE 32
MOORE COUNTY REGISTRY

ACREAGE DETERMINED
BY COORDINATE METHOD.

NOT INTENDED TO BE PREPARED
FOR RECORDATION IN ACCORDANCE
WITH G. S. 47-30 AS AMENDED.

UNLESS OTHERWISE DENOTED,

- = EXISTING IRON STAKE
- = EXISTING CONCRETE MONUMENT
- = SET CONCRETE MONUMENT
- = SET IRON STAKE
- ~ = SQUARE FOOTAGE
- ▲ = POWER SERVICE STUB
- = SEWER SERVICE STUB
- ⊙ = TELEPHONE SERVICE STUB
- ⊙ = CABLE TV SERVICE STUB
- ⊙ = WATER METER
- ⊙ = FIRE HYDRANT
- ⋈ = UTILITY POLE
- ⊙ = BURIED PROPANE TANK



SURVEY FOR
PHILLIP & MARY McEACHERN
LOT NO. 3,
PINEHILL SUBDIVISION
MINERAL SPRINGS TOWNSHIP, MOORE COUNTY,
PINEHURST, NORTH CAROLINA

NOVEMBER 3, 2022 -- SCALE 1"=40'

CHRISTOPHER WENTLAND, PLS
LAND SURVEYING-LAND PLANNING
PINEHURST, NORTH CAROLINA

0 40 80 120



EXHIBIT A-4.1



EXHIBIT A-4.2



EXHIBIT A-4.3





PLN-2022-00200 (25 ARONIMINK LN. VARIANCE)

ADDITIONAL AGENDA DETAILS:

The purpose of the public hearing is to receive testimony for a variance request from Section 9.13 Fences, Walls and Columns (F) Retaining Walls & 9.2a Tables of Dimensional Requirements for the property addressed as 25 Aronimink Lane, further identified by Moore County PID # 00024619. This property is located within the R-10 (High Density Residential) Zoning District. Specifically, the applicant and owner, Teresa Johnes, is requesting the variance to allow for a retaining wall in the golf course setback.

FROM:

Alex Cameron

CC:

Darryn Burich

DATE OF MEMO:

11/21/2022

MEMO DETAILS:

Please, see the attached items relating to this Public Hearing.

ATTACHMENTS:

Description

- ☐ Staff Exhibits S-1 to S-5
- ☐ Applicant Exhibits A-1 to A-2



PLANNING AND INSPECTIONS DEPARTMENT STAFF REPORT

To: Zoning Board of Adjustment
From: Alex Cameron, Planning Supervisor
CC: Darryn Burich, Planning and Inspections Director
Alfred Cassidy, Senior Planner
Maria Carpenter, Planner
Kelly Brown, Planning and Zoning Specialist
Shannon Konstantinou, Administrative Specialist
Date: November 22, 2022
Subject: **Variance Request for 25 Aronimink Lane**

Applicant & Owner:	Teresa Johnes
Property Location:	25 Aronimink Ln.
Parcel Size:	11,690 square feet or +/- 0.27 acres
PID#	00024619
Zoning:	R-10 (High Density Residential)
Setback:	Golf Course = 30 Feet Retaining Walls >36" = accessory structure setback
Proposed Setback:	Approximately 15 Feet (constructed wall location)
Land Use:	Single Family Residential

Request and Background:

This request is to vary dimensional criteria for retaining walls in the Pinehurst Development Ordinance (PDO). This request would vary the 30' minimum golf course setback from the property line in the R-10 Zoning District to allow for a retaining wall depicted on the final as-built survey included with the agenda packet (EXHIBIT S-5). The 30' minimum golf course setback is applied due to the fact that the golf course borders the rear lot line of the subject property (see attached map). Additionally, Section 9.13 (F) of the PDO does not allow retaining walls over 36 inches to encroach into the rear and side setback for accessory structures (10' for the R-10 Zoning District and 30' for accessory structure setback from the golf course).

The subject lot (#235) was created as part of the "*Phase 2, Unit 17*" subdivision in May of 1979 for Pinehurst, Inc. as indicated on Plat Cabinet 1 Slide 1-5 on file with the Moore County Register of

EXHIBIT S-1.2

Deeds. Records from the Moore County Tax Department and Register of Deeds indicate that the property was purchased by the current owner in December of 2020.

The rear of the subject property borders golf course hole number 17 for Pinehurst Resort Course No. 6 which is zoned RD (Recreational Development District). The surrounding lots along Aronimink Lane were also created as part of the original subdivision, border golf course property, and include single family homes all built from the 1990's to present.

The property is approximately 11,690 square feet in area or .27 acres in size which meets the minimum lot size of the R-10 Zoning District. Prior to construction, the vacant lot had approximately 29 feet of elevation change increasing in height from the front left corner (southwest) of the lot abutting Aronimink Lane to the right rear (northeast) fronting the golf course. See attached maps.

In September of this year, Planning and Inspections staff approved an application for a new single-family home on the vacant lot for the applicant Stewart Construction. The development was approved per the documents included with the application. The approved site plan (Exhibit S-4) is included with the agenda packet material. As indicated in this report and the supplemental material, there is significant grade or elevation differences across the lot.

A retaining wall was not approved as part of the application and was discovered after staff received the required final as-built survey in September (Exhibit S-5). Staff contacted the applicant to discuss the rules regarding retaining walls and that the retaining wall was not constructed in compliance with the requirements of the PDO. Since that time, the owner has submitted the application for a variance and additional material in an attempt to satisfy the burden of proof to meet the standards of review (see pages 3 & 4 of this report). The finished height of the retaining wall varies, and the applicant has a letter from a registered engineer that the wall meets the current North Carolina Building Code requirements (Exhibit A-2.5). The applicant has indicated that construction of the retaining wall was to alleviate issues with runoff on the property post construction.

Along with this report and attachments, Staff has included the following exhibits for review and consideration of the Board:

- Exhibit S-2 – Original Subdivision Plat for Phase 2 Unit 17 Lot 235
- Exhibit S-3 – Deed of Ownership
- Exhibit S-4 – Approved Site Plan
- Exhibit S-5 – Final As-built Survey

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-2.1-2.4 – Photo and GIS Maps of Subject and Neighboring Properties
- Exhibit A-2.5 – Engineer Letter
- Exhibit A-2.6-2.7 – Photos of the Subject Area

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. 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 use 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 if 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:

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

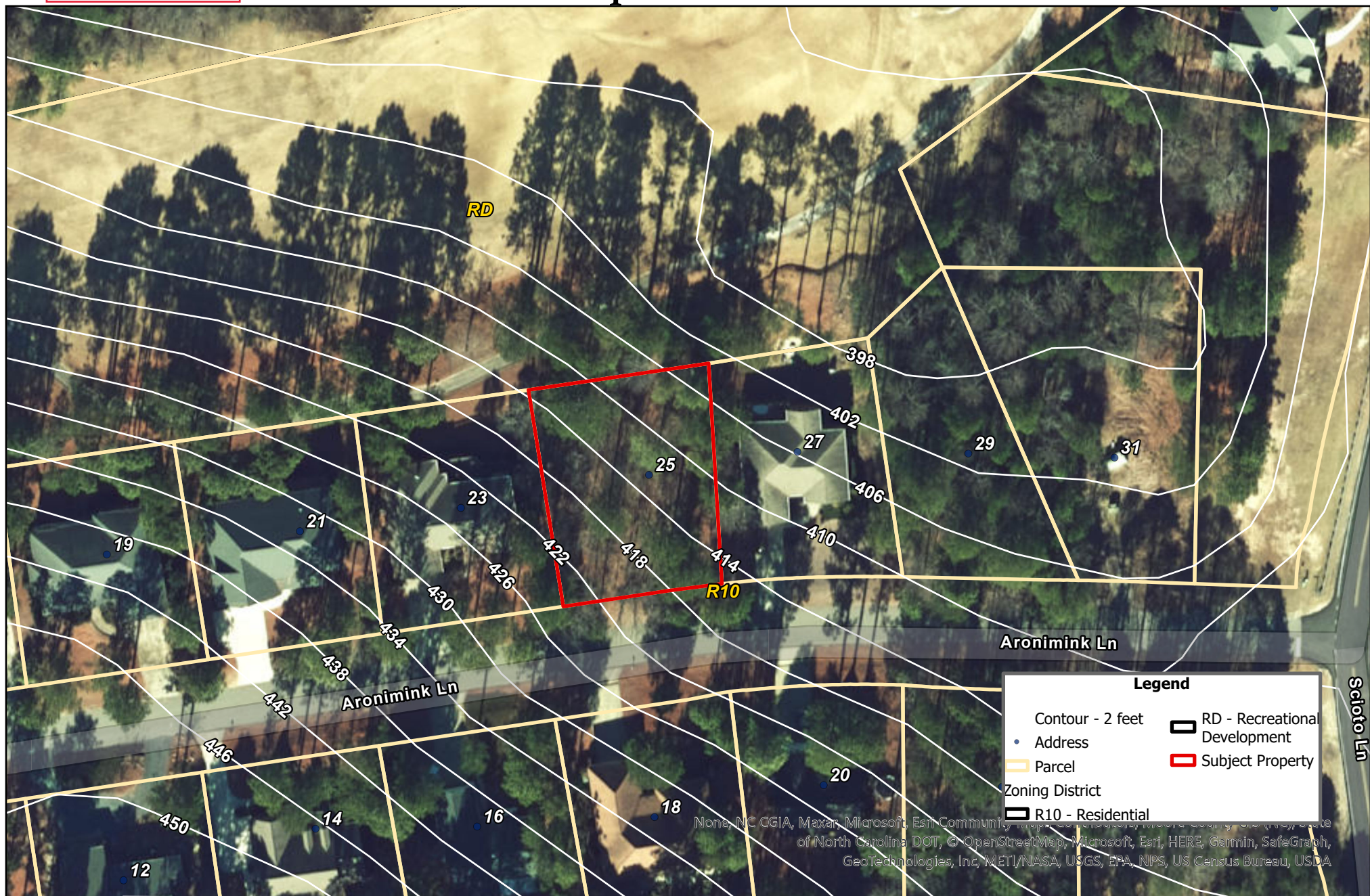
- (1) Have the authority to subpoena witnesses and may request additional information;
- (2) Continue the public hearing on the requested variance;
- (3) Grant the requested variance;
- (4) Deny the requested variance;
- (5) Grant the requested variance with conditions. The Board of Adjustment may attach 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.

Aerial Map with 2 Foot Contour



0 105 210 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 result of this data is strictly prohibited in accordance with North Carolina General Statutes 132-10. GIS is based on North Carolina State Plane Coordinate System NAD83 (93).

11/23/2022

December 1, 2022
Board of Adjustment
Variance Request for 25 Aronimink Lane



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 1, 2022 at 4:30 PM or immediately following the Planning and Zoning Board meeting at 4:00 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.

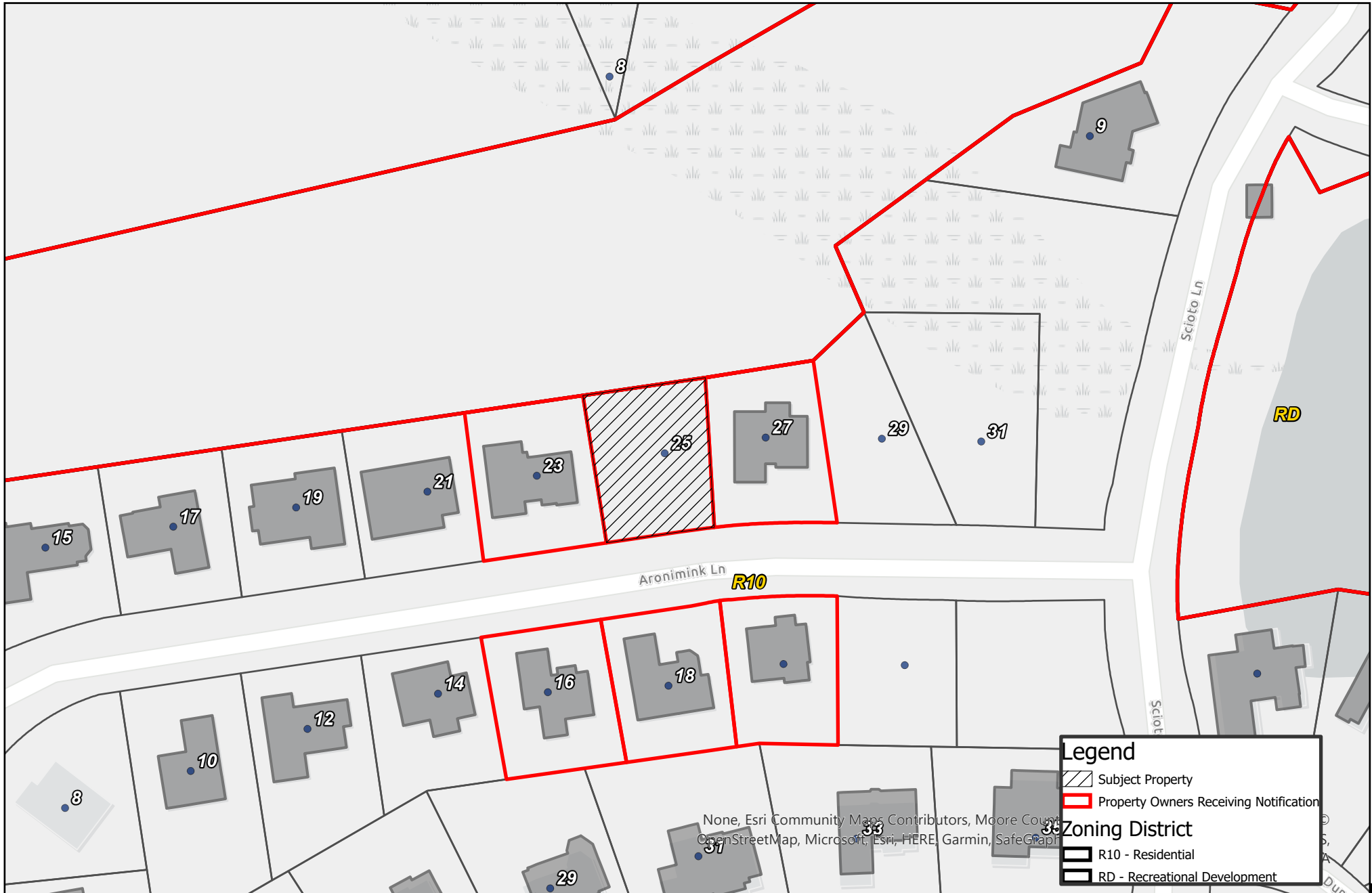
The purpose of the public hearing is to receive testimony for a variance request from Section 9.13 Fences, Walls and Columns (F) Retaining Walls & 9.2a Tables of Dimensional Requirements for the property addressed as 25 Aronimink Lane, further identified by Moore County PID # 00024619. This property is located within the R-10 (High Density Residential) Zoning District. Specifically, the applicant and owner, Teresa Johnes, is requesting the variance to allow for a retaining wall in the golf course 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/>.

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



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).

11/16/2022

December 1, 2022
Board of Adjustment
25 Aronimink Ln Variance Request



EXHIBIT S-1.8

RIEDEL, ROBERT H
18 ARONIMINK LN
PINEHURST,NC,28374

CONLEY, BRIAN
11911 JENNIFER WAY
HOLLYWOOD,FL,33026

JOHNES, TERESA ANN
50 GLEN ABBEY TRAIL
PINEHURST,NC,28374

ZEITLER, JOHN J
27 ARONIMINK LANE
PINEHURST,NC,28374-6808

KING, VINCENT F (HRS)
C/O PATRICIA E. KING
PINEHURST,NC,28370

RESORTS OF PINEHURST
PO BOX 4000
PINEHURST,NC,28374

POPE, NORMAN WARD & GLENNA B
23 ARONIMINK LN
PINEHURST,NC,28374

I, J. J. Slade, President of Pinehurst, Incorporated, hereby certify that Pinehurst, Incorporated, is the owner of the property shown and described hereon which was conveyed to Pinehurst, Incorporated, by deeds recorded in the Moore County register books 79 and 134 at pages 399 and 532; that Pinehurst, Incorporated, hereby adopts this plan of subdivision, and with its free consent does hereby establish the minimum building lines, streets, alleys, walks, riding trails, bicycle paths, parks, and other open spaces with the following exceptions:

Pinehurst, Incorporated, reserves unto itself, its successors and assigns, all rights, title, and interest in and to the streets, roads, alleys, parks and open spaces and areas shown on the plats, provided that owners of property shown on this plat, 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 and open spaces and areas shown on this plat shall remain the sole and exclusive property of Pinehurst, Inc., its successors and assigns, to be controlled, maintained and regulated as Pinehurst, Inc., shall, in its sole discretion determine, including the right at any time hereafter to dedicate and convey the streets and roads to any appropriate governmental body or to the public.

Further certified that the land as shown hereon is within the subdivision regulations jurisdiction of Moore County.

This 23 day of APRIL 1979

J. J. Slade, President
Pinehurst, Incorporated

Register of Deeds Office of Moore County

Bonding Information

Roadway	\$ 290,000
Wastewater	\$ 363,000
Water	\$ 198,000
Electric	\$ 95,300

Above mentioned amenities will be constructed by Dec. 31, 1982

I hereby certify that streets, utilities, and other improvements have been installed in an acceptable manner and according to County specifications in the subdivision entitled Phase 2, Unit 17, or that a security bond in the amount of _____ has been posted with the Moore County Planning Board to assure completion of all required improvements in case of default.

This 8th day of MAY 1979

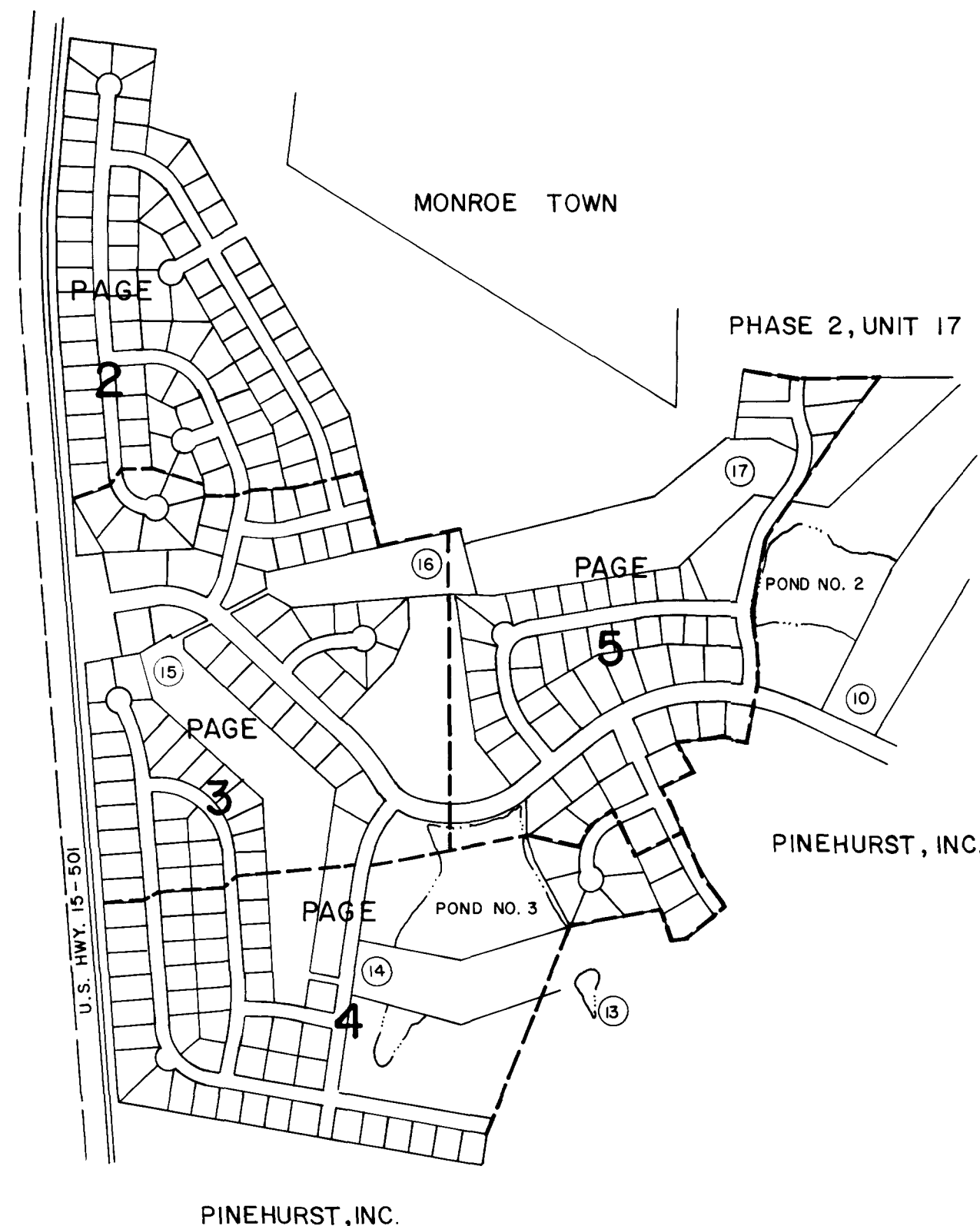
Moore County Zoning Enforcement Officer

Attest:

Clerk

EXHIBIT S-2.1

PLAT OF PHASE 2, UNIT 17



Document Sheet for

PINEHURST, INCORPORATED

Moore County, North Carolina
Mineral Springs Twp. & McNeills Twp.

Plat of

PHASE 2, UNIT 17

Page 1 of 5 pages

Lots numbered 1 through 247 inclusive

MATHESON, HINTZ & ASSOCIATES
CONSULTING ENGINEERS AND LAND SURVEYORS
ASHEVILLE AIRPORT ROAD, FLETCHER, N.C.

STATE OF NORTH CAROLINA
COUNTY OF MOORE

I, Willard A. Hintz, certify that under my direction and supervision this plat, shown and described hereon, was computed and drawn within actual surveys by others of property lines and golf course boundaries; that the error of closure is calculated by latitudes and departures with an accuracy of at least 1:7500; that this plat was prepared in accordance with G.S. 47-30, as amended.

Witness my hand and seal this 20 day of April, 1979.

Willard A. Hintz
Registered Land Surveyor
Registration number L-1051

The undersigned, Howard C. Morgan, Steven K. Baker, and B. Charles Milner, as Trustees in the State of North Carolina, (hereinafter referred to as Trustees) and Citibank, N.A., formerly known as First National City Bank acting as agent for itself and the First National Bank of Chicago, the Chase Manhattan Bank, N.A., Wells Fargo Bank, N.A., Crocker National Bank, First Pennsylvania Bank, N.A., First National State Bank of New Jersey, Wachovia Bank and Trust Co., N.A., herein referred to as Lenders, holders of that certain Mortgage, Deed of Trust and Security Agreement with Modification, Consolidation and Spreading Agreement dated as of December 20, 1978, and recorded in Mortgage Book 309, at Page 807, in the Office of the Register of Deeds of Moore County, North Carolina, do hereby in all things subordinate to said subdivision and dedication said Mortgage and Deed of Trust and do hereby confirm that we are the present Trustees and Owners of said Mortgage and Deed of Trust and have not assigned the same or any part thereof.

In Witness Whereof, Howard C. Morgan, Steven K. Baker, and B. Charles Milner, Trustees in and for the state of North Carolina under said Mortgage and Deed of Trust and Citibank, N.A., acting for itself and as agent for the Lenders hereinabove mentioned have caused this instrument to be duly executed and seal affixed hereto all as of the _____ day of _____, 1979.

Citibank, N.A.
Agent

By: _____

Test:

Notary

Howard C. Morgan
Howard C. Morgan, Trustee

Steven K. Baker, Trustee

B. Charles Milner, Trustee

STATE OF NEW YORK
COUNTY OF NEW YORK

I, _____, a notary public, do hereby certify that personally came before me _____, who, being by me duly sworn, says that he is a Vice President of Citibank, N.A., a national banking association, and that the seal affixed to the foregoing instrument is the seal of said Bank and that said writing was signed and sealed by him in behalf of said Bank as agent, by its authority duly given; and the said _____ acknowledged the said writing to be the act and deed of said Bank. Witness my hand and seal this _____ day of _____, 1979.

Notary Public

STATE OF NEW YORK
COUNTY OF NEW YORK

I, _____, a notary public, do hereby certify that HOWARD C. MORGAN, STEVEN K. BAKER, and B. CHARLES MILNER, personally appeared before me this day and acknowledged the due execution of the foregoing instrument in their capacities as Trustees. Witness my hand and seal this _____ day of _____, 1979.

Notary Public

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

I, Thomas M. Reese, a notary public do hereby certify that Willard A. Hintz personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and seal this 20 day of April 1979.

Thomas M. Reese
Notary Public

My commission expires: 20 NOVEMBER 1982



1- The right of way for Juniper Creek Bridge is 80 feet.

2-All other rights of way are 60 feet unless otherwise noted.

3-All cul-de-sac radii are 50 feet unless otherwise noted.

4- All bearings shown refer to the North Carolina State Coordinate Grid System.

5-The minimum building setback lines for STANDARD LOTS are as follows:

A-30 feet from the front property line.

B-10 feet from the side property line.

C-20 feet from the rear property line.

D-20 feet from the side property line on corner lots

E-30 feet from Golf Course.

5a- The minimum building setback for BOULEVARD LOTS (prefix "B") and for ESTATE LOTS (prefix "E") are as follows:

A-40 feet from the front property line.

B- 15 feet from the side property line.

C-30 feet from the rear property line.

D- 20 feet from the side property line on

corner lots.

E- All houses on BOULEVARD LOTS must face boulevard.

6-Utility easements common to all lots are as follows:

A-Side lot lines-5' easements either side of lot line for a total of 10 feet.

B-Back lot lines-10' easements either side of lot line for a total of 20 feet.

C-Construction easements along any property line adjoining any portion of the extreme outside boundary of Pinehurst, Inc., or part of any lake, or golf course, shall be 30 feet.

D-All other easements are as shown.

CENTERLINE		CURVE	DATA	
NO.	DELTA	TANGENT	RADIUS	LENGTH
C-1	64-52-51	520.00	818.11	926.42
C-2	52-17-28	249.50	508.27	463.87
C-3	40-24-04	172.92	469.98	331.40
C-4	79-54-40	109.68	130.91	182.59
C-5	10-32-15	66.12	717.01	131.87
C-6	20-57-41	92.50	500.00	182.92
C-7	25-25-38	112.80	500.00	221.89
C-8	22-09-06	50.00	255.42	98.75
C-9	52-31-23	127.91	259.24	237.64
C-10	24-22-38	108.00	500.00	212.73
C-11	90-00-00	181.69	181.69	285.40

**PINEHURST
INCORPORATED**

Moore County, North Carolina
Mineral Springs and McNeills Townships
Plat of

PHASE 2, UNIT 17

Page 5 of 5 Pages

Scale: 1"=100' April, 1979

MATHESON, HINTZ & ASSOCIATES
CONSULTING ENGINEERS AND LAND SURVEYORS
ASHEVILLE AIRPORT ROAD, FLETCHER, N.C. 28732

LEGEND

Denotes concrete control monument.

Denotes iron pin

EXHIBIT S-3.1

For Registration Register of Deeds

Judy D. Martin

Moore County, NC

Electronically Recorded

December 3, 2020 4:50:33 PM

Book: 5483 Page: 383 - 384 #Pages: 2

Fee: \$26.00 NC Rev Stamp: \$130.00

Instrument# 2020023955

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

Revenue: \$130.00

STATE OF NORTH CAROLINA
 COUNTY OF MOORE

WARRANTY DEED

THIS WARRANTY DEED is made this 5th day of November, 2020, by and between
CARRIE VALETE, and husband, JAMES VALETE, of 4102 Farhills Dr., Champaign,
 IL 61822 ("Grantor"), and **TERESA ANN JOHNES**, of
50 Glen Abbey Trail Pinehurst NC 28374 ("Grantee").

WITNESSETH:

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:

BEING all of Lot 235, Unit 17, Phase 2, of the property of Pinehurst, Incorporated, as shown on plat thereof recorded in the Office of the Register of Deeds of Moore County, North Carolina, in Plat Cabinet 2, Slides 1-5.

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.

The property was conveyed to Grantor in instrument recorded in Book 4942, Page 216, Moore County Register of Deeds.

James Valette joins in this conveyance to relinquish any marital rights he may have acquired and does not join in any warranties herein set forth.

The property herein conveyed _____ includes or ☒ does not include the primary residence of a Grantor.

submitted electronically by "Lorenz & Creed Law Firm PLLC" in compliance with North Carolina statutes governing recordable documents and the terms of the submitter agreement with the Moore County Register of Deeds.

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.

Carrie Valette (SEAL)
CARRIE VALETE

J. E. Valette (SEAL)
JAMES VALETE

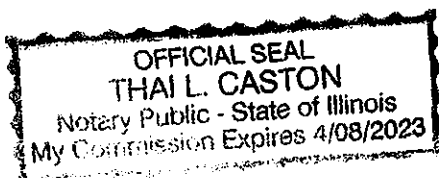
County of Champaign
State of IL

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 Driver's License); each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: CARRIE VALETE and husband, JAMES VALETE

Date: 11-12-20
(Notary Seal)

Thai L. Caston
Notary Public

My Commission Expires: 4-8-23



LOT 235, PHASE 2, UNIT 17
PINEHURST, INC.

MINERAL SPRINGS TWP., MOORE COUNTY, N.C.

OWNER: TERESA ANN JOHNES

DEED REFERENCE: DEED BOOK 5483, PAGE 383

MAP REFERENCE: PLAT CABINET 2, SLIDE 5

EXHIBIT S-4



DEVELOPMENT DATA
IMPERVIOUS SURFACE = 3870 SQ. FT. = 33.11 %

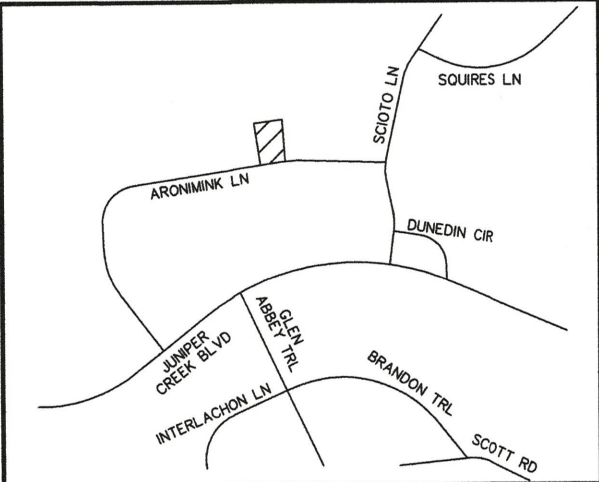
REVISIONS:
8/04/21 SITE PLAN

NOTE:
LOT 235 CONTAINS 11690 SQ. FT.
AREA BY COORDINATE METHOD
PROPERTY IS NOT IN A SPECIAL FLOOD
HAZARD AREA ACCORDING TO MAP NUMBER
3710856300J OF THE FEDERAL EMERGENCY
MANAGEMENT AGENCY. EFFECTIVE DATE:
OCTOBER 17, 2006
PIN 856315734240, PARID 00024619
ZONED R10
TOPOGRAPHIC INFORMATION ON ASSUMED DATUM

DISCLAIMER: SURVEYOR WAS NOT ENGAGED TO COMPLETE, NOR WERE THEY
PROVIDED WITH, A CURRENT FULL SEARCH OF TITLE. THEREFORE, THE
PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, RIGHT OF WAYS, OR
RESTRICTIONS OF RECORD WITH THE MOORE COUNTY REGISTRY, WHETHER SHOWN
HEREON, OR NOT.

CERTIFICATE OF SURVEY AND ACCURACY
I, BENNY L. BROWN, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY
SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, DEED
DESCRIPTION RECORDED AS SHOWN ON MAP. THAT THE BOUNDARIES NOT
SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND
IN BOOKS REFERENCED. THAT THE RATIO OF PRECISION AS CALCULATED
IS 1:10,000; THAT THIS MAP MEETS THE REQUIREMENTS OF THE
STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA
(21 NCAC 56. 1600), THIS 4th DAY OF AUGUST, 2021

PROFESSIONAL LAND SURVEYOR
REGISTRATION NUMBER L3031



VICINITY MAP NTS



© 2021 BENNY L. BROWN, ALL RIGHTS RESERVED

- LEGEND
- FIP FOUND IRON PIPE
 - SIP SET IRON PIPE
 - FCM FOUND CONCRETE MONUMENT
 - SCMS SET COTTON MILL SPINDLE
 - FMN FOUND MAG NAIL
 - SMN SET MAG NAIL
 - SCH SET CONCRETE NAIL
 - CP COMPUTED POINT
 - CBL CABLEVISION EQUIPMENT
 - TP TELEPHONE PEDESTAL
 - ET ELECTRICAL TRANSFORMER
 - PP POWER POLE
 - WM WATER METER
 - SCO SEWER CLEANOUT



SURVEY FOR:
STEWART CONSTRUCTION
PO BOX 716
WEST END, NC 27376

DATE
6/28/21
FILE NO.
15821
SCALE
1" = 20'

BENNY L. BROWN
Professional Surveyor

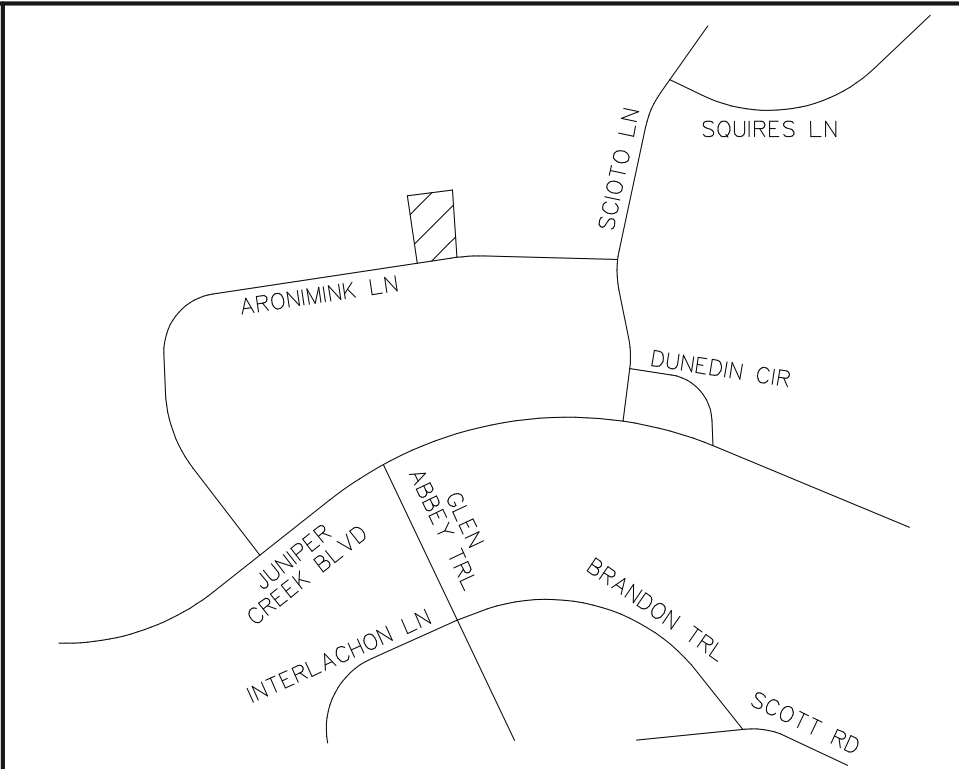
277 MACDOUGALL DRIVE
P.O. BOX 307
WEST END, N.C. 27376
(910) 673-1446

CURVE	Arc	Delta Angle	Chord	Ch Bearing	Radius	Tangent
C1	33.49'	02°34'06"	33.48'	N 82°41'19"E	747.01'	16.75'
C2	103.96'	07°58'24"	103.87'	S 87°52'38"W	747.01'	52.06'

EXHIBIT S-5

NOTE:
LOT 235 CONTAINS 11690 SQ. FT.
AREA BY COORDINATE METHOD
PROPERTY IS NOT IN A SPECIAL FLOOD
HAZARD AREA ACCORDING TO MAP NUMBER
3710856300J OF THE FEDERAL EMERGENCY
MANAGEMENT AGENCY, EFFECTIVE DATE:
OCTOBER 17, 2006
PIN 856315734240, PARID 00024619
ZONED R10
RE-DRAWN FROM A SURVEY BY
BENNY L. BROWN, DATED 6/28/21

NORTH BY PLAT CABINET 2, SLIDE 5



VICINITY MAP NTS

DISCLAIMER: SURVEYOR WAS NOT ENGAGED TO COMPLETE, NOR WERE THEY PROVIDED WITH, A CURRENT FULL SEARCH OF TITLE. THEREFORE, THE PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, RIGHT OF WAYS, OR RESTRICTIONS OF RECORD WITH THE MOORE COUNTY REGISTRY, WHETHER SHOWN HEREON, OR NOT.

CERTIFICATE OF SURVEY AND ACCURACY
I, J. AARON BROWN, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, DEED DESCRIPTION RECORDED AS SHOWN ON MAP, THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN BOOKS REFERENCED: THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000; THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56. 1600). THIS 22nd DAY OF SEPTEMBER, 2022

J. Aaron Brown
PROFESSIONAL LAND SURVEYOR
REGISTRATION NUMBER L-5455



LOT 235, PHASE 2, UNIT 17
PINEHURST, INC.

MINERAL SPRINGS TWP., MOORE COUNTY, N.C.

OWNER: TERESA ANN JOHNES
DEED REFERENCE: DEED BOOK 5483, PAGE 383
MAP REFERENCE: PLAT CABINET 2, SLIDE 5

CURVE	Arc	Delta Angle	Chord	Ch Bearing	Radius	Tangent
C1	33.49'	02°34'06"	33.48'	N 82°41'19"E	747.01'	16.75'
C2	103.96'	07°58'24"	103.87'	S 87°52'38"W	747.01'	52.06'

© 2022 J. AARON BROWN, ALL RIGHTS RESERVED
20' 10' 0' 20' 40'

- LEGEND
- FIP FOUND IRON PIPE
 - SIP SET IRON PIPE
 - FCM FOUND CONCRETE MONUMENT
 - SCMS SET COTTON MILL SPINDLE
 - FMN FOUND MAG NAIL
 - SMN SET MAG NAIL
 - SCN SET CONCRETE NAIL
 - CP COMPUTED POINT
 - CBL CABLEVISION EQUIPMENT
 - TP TELEPHONE PEDESTAL
 - ET ELECTRICAL TRANSFORMER
 - PP POWER POLE
 - WM WATER METER
 - SCO SEWER CLEANOUT

SURVEY FOR:
STEWART CONSTRUCTION
PO BOX 716
WEST END, NC 27376

DATE
9/22/22
FILE NO.
15821
SCALE
1" = 20'

BROWN SURVEYORS, PLLC
277 MACDOUGALL DRIVE
P.O. BOX 307
WEST END, N.C. 27376
(910) 673-1446
aaron@brownsurveyorspllc.com
FIRM LICENSE: P-2552



**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	25 Aronimink Lane
City, State, Zip Code	Pinehurst, Nc 28374
Parcel ID #	Lot 235, Phase 2. Unit 17

**EXHIBIT A-1.2****Variance**

Fee: \$500

(Revised 09/2019)

Owner Information

Name	Teresa Johnes	Home Phone #	
Street Address	25 Aronimink lane	Mobile Phone #	757-777-4828
City, State, Zip Code	Pinehurst, NC 28374	Business Phone #	
Email	tjohnes@yahoo.com		

Applicant

Name	Same as Owner	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	I am requesting a variance to keep my retaining wall that encroaches into the golf course setback on the 17th fairway of Course #6.
Ordinance Section Reference	9.1 (E)
Ordinance Text (Verbatim)	(E) Required Setbacks: Allowable Encroachments into Required Yards (1) A building, structure, or lot shall not be developed, used, or occupied unless it meets the minimum yard requirements set forth in this Section and the Zoning District in which it is located, except as otherwise established in this Ordinance for particular uses; (2) The principal buildings or structures on a lot, including decks, landings, terraces, porches, and patios on grade, shall not be located in whole or in part in a required setback, except as follows:

**EXHIBIT A-1.3****Variance**

Fee: \$500

(Revised 09/2019)

Description of unnecessary hardship that would result from the strict application of the ordinance	If a variance isn't granted and I have to remove part of the retaining wall soil erosion of my lot, and more likely of my uphill neighbor's lot won't be prevented. If part of the wall is removed and replaced by something non-permanent such as boulders this may not be as effective at preventing erosion and will be less safe for anyone walking in my yard.
Description of how the hardship results from conditions that are peculiar to the property, such as location, size, or topography	My lot and the two adjoining lots all have significant slope from front to back and left to right (viewed from the street). See Attachment 1 and attachment 2 (3 pages). My house was the last one built of adjacent homes. The builder of the uphill house, in 1996, possibly took advantage of the undeveloped, overgrown with trees, shrubs, and weeds lot downhill (mine) to absorb water runoff. Now I and my builder had to manage what's coming at my lot and house to protect my house and lot and the uphill neighbor from erosion.
Description of how the hardship did not result from actions taken by the applicant or the property owner	Prior to building my builder discussed that a retaining wall would definitely be needed at the back of the house, due to the slope of the lot. Only after removing trees and excavating the foundation was it apparent the scope and size of the retaining wall that would be needed to be effective. I was aware of setback requirements for the house itself and fences, but I wasn't clear that for a retaining wall the same requirements existed. I apologize for that.
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	I have an engineering letter stating that the retaining wall is sufficient per current North Carolina building code (Attachment 3). The retaining wall does not negatively impact the neighbors or the golf course. The farthest point of my retaining wall is over 19' from the golf out of bounds line (Out of bounds stake noted on attachment 1). The current retaining wall blends in aesthetically and architecturally with the house and surrounding area and is less obvious and likely safer and more effective than a non-permanent replacement would be. The current wall isn't visible from the golf course until you pass my house and look back uphill (Attachment 4).

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: Teresa A. Johnes Date: Nov. 1, 2022

Attachment 1. View of back of my house from golf course showing slope of my lot and adjacent lots



My House

Golf
Course Out
of Bounds Stake

Attachment 2 - Slope lines of uphill neighbor

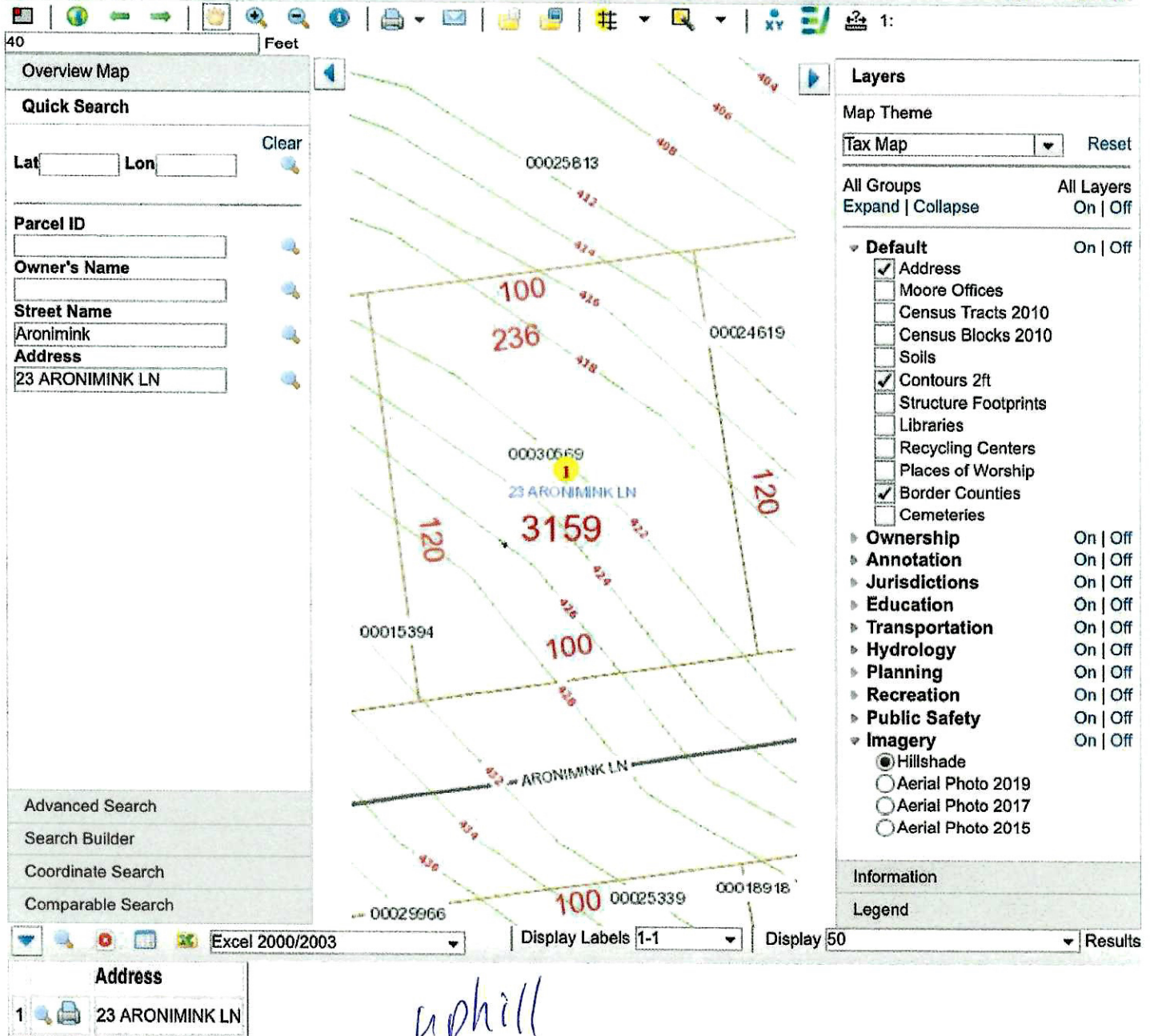
7:28 PM Sun Oct 23

15%



AA

moore.connectgis.com

Welcome Guest
Help Mobile ViewUsers Online: 286
SRT: 1.686 secuphill
neighbor

23 Aronimink Lane

Attachment 2 - Slope lines of my lot.

EXHIBIT A-2.3

7:28 PM Sun Oct 23

15%



AA

moore.connectgis.com



state far



First Nationa...



FNB Online...



Wonderbird...



Official NCD...



Moore



Welcome Guest
Help Mobile View

Users Online: 286
SRT: 0.275 sec

38 Feet

Overview Map

Quick Search

Lat Lon Clear

Parcel ID

Owner's Name

Street Name

Address

25 ARONIMINK LN

Advanced Search

Search Builder

Coordinate Search

Comparable Search



Layers

Map Theme

Tax Map

Reset

All Groups

Expand | Collapse

All Layers

On | Off

Default

On | Off

- ☒ Address
- ☐ Moore Offices
- ☐ Census Tracts 2010
- ☐ Census Blocks 2010
- ☐ Soils
- ☒ Contours 2ft
- ☐ Structure Footprints
- ☐ Libraries
- ☐ Recycling Centers
- ☐ Places of Worship
- ☒ Border Counties
- ☐ Cemeteries

Ownership

On | Off

Annotation

On | Off

Jurisdictions

On | Off

Education

On | Off

Transportation

On | Off

Hydrology

On | Off

Planning

On | Off

Recreation

On | Off

Public Safety

On | Off

Imagery

On | Off

- ☒ Hillshade
- ☐ Aerial Photo 2019
- ☐ Aerial Photo 2017
- ☐ Aerial Photo 2015

Information

Legend

Excel 2000/2003

Display Labels 1-1

Display 50

Results

Address

1 25 ARONIMINK LN

Me
25 Aranomink Lane

Attachment 2 - Slope lines of downhill neighbor

7:29 PM Sun Oct 23

...

15%



AA

moore.connectgis.com



state far



First Nations...



FNB Online...



Wonderbird...



Official NCD...



Moore

Welcome Guest
Help Mobile ViewUsers Online: 286
SRT: 0.273 sec

36 Feet

Overview Map

Quick Search

Lat Lon Clear

Parcel ID

Owner's Name

Street Name

Address

27 ARONIMINK LN

Advanced Search

Search Builder

Coordinate Search

Comparable Search

Excel 2000/2003

Display Labels 1-1

Display 50 Results

Address

1 27 ARONIMINK LN

Layers

Map Theme

Tax Map Reset

All Groups Expand | Collapse All Layers On | Off

▼ Default On | Off

- ☒ Address
- ☐ Moore Offices
- ☐ Census Tracts 2010
- ☐ Census Blocks 2010
- ☐ Soils
- ☒ Contours 2ft
- ☐ Structure Footprints
- ☐ Libraries
- ☐ Recycling Centers
- ☐ Places of Worship
- ☒ Border Counties
- ☐ Cemeteries

► Ownership On | Off

► Annotation On | Off

► Jurisdictions On | Off

► Education On | Off

► Transportation On | Off

► Hydrology On | Off

► Planning On | Off

► Recreation On | Off

► Public Safety On | Off

▼ Imagery On | Off

- ☒ Hillshade
- ☐ Aerial Photo 2019
- ☐ Aerial Photo 2017
- ☐ Aerial Photo 2015

Information

Legend

Down hill
neighbor

27 Aronimink Ln

Attachment 3- Engineer Letter

September 6, 2022

Mark Stewart
Stewart Construction
150 McDonald Street
West End, NC 27376
(910) 673-1929



Tower Engineering Professionals
326 Tryon Road
Raleigh, NC 27603
(919) 661-6351
hbcheek@tepgroup.net

Subject: Engineering Letter

Site Designation: Review of Retaining Wall

Site Data: 25 Aronimink Ln, Pinehurst, Moore County, NC 28374

Dear Mark,

Tower Engineering Professionals is pleased to submit this "Engineering Letter" to review the as built configuration of the retaining wall.

Upon review, the retaining wall is sufficient per the current building code, 2018 North Carolina Building Code (2015 IBC).

We at *Tower Engineering Professionals* appreciate the opportunity of providing our continuing professional services to you. If you have any questions or need further assistance on this or any other projects, please give us a call.

Respectfully submitted by:

Holden B. Cheek, P.E.



09/06/2022

Attachment 4. Blue Circle is location of retaining wall. Not visible from Golf Course



EXHIBIT A-2.6

