



**Board of Adjustment
Agenda for Regular Meeting of August 1, 2024
Assembly Hall
395 Magnolia Road, Pinehurst, NC 28374
Pinehurst, North Carolina
4:00 PM**

1. Call to Order
2. Approval of Minutes
 - A. 04-04-2024 BOA Regular Meeting Minutes
3. Public Hearing
 - A. Variance Request for 2140 Midland Rd. (PLN-2024-00103)

The purpose of the public hearing is to receive testimony for a variance request from Pinehurst Development Ordinance Section 9.13 Fences, Walls and Columns, Subsection (B)(6), for the property addressed as 2140 Midland Road, further identified by Moore County PID # 00032900. This property is located within the R-30 Zoning District. Specifically, the applicant is requesting a variance to allow a fence that exceeds the four (4) foot maximum height when abutting a defined front yard of an adjacent property.

4. Next Meeting Date
 - A. 09-05-2024 BOA Regular Meeting (If the Board has business to conduct)
5. 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.



**BOARD OF ADJUSTMENT
REGULAR MEETING
THURSDAY, APRIL 04TH, 2024
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA**

04:00 PM or IMMEDIATELY FOLLOWING THE P&Z MEETING

Board Members Present:

Thomas Schroeder, Chair
Paul Roberts
Jeremy Hooper
Sonja Rothstein

Board Members Absent:

Matt Jones, Vice Chair
Bruce Hironimus, Alt.
Carol Henry, Alt.
Louise Mercurio, Alt.

Staff Present:

Alex Cameron, Planning Director
Pamela Graham, Planning Supervisor
Michael Mandeville, Senior Planner
Maria Carpenter, Planner
Paul Conners, IT Systems Specialist
JoEllen Richter, IT Technician

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

I. Call to Order

Mr. Schroeder called the April 04th, 2024 Regular Meeting to order at 07:15 PM.

II. Approval of Minutes

a. 03-07-2024 Regular Meeting Minutes

Mr. Hooper moved to approve the minutes of the March 07th, 2024 Regular Meeting. Seconded by Ms. Rothstein. Approved by a vote of 4-0.

III. General Business

None.

IV. Next Meeting Date

a. 05-02-2024 Regular Meeting (If the Board has business to conduct)

V. Motion to Adjourn

Ms. Rothstein moved to adjourn the Regular Meeting. Seconded by Mr. Hooper. Approved by a vote of 4-0 at 07:16 PM.

Respectfully Submitted,

Shelby Grow
Village Clerk
Village of Pinehurst

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

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PLANNING AND INSPECTIONS DEPARTMENT STAFF REPORT

To: Zoning Board of Adjustment
From: Michael Mandeville, Senior Planner
CC: Alex Cameron, Planning and Inspections Director
 Maria Carpenter, Planner
 Shelby Grow, Administrative Specialist
Date: July 26, 2024
Subject: **Variance Request for 2140 Midland Road**

Applicant:	F. Calvin Riddle, Jr.
Owners:	Heidi Harapko
Property Location:	2140 Midland Road
Parcel Size:	+/-39,677 square feet or +/- 0.91 acres
PID#	00032900
Zoning:	R-30 (Medium Density Residential)
Land Use:	Single Family Residential

Request and Background:

This request is to vary the fence height requirement for areas that abut a defined front yard of an adjacent property. This provision is located in the PDO in Section 9.13(B)(6) and requires that fences in such circumstances not exceed four (4) feet in height.

The applicant (Mr. Riddle) purchased the subject properties related to this request in May of 2022 as indicated by records on file at the Moore County Tax Department and the Register of Deeds. Originally, the property consisted of one 4.57-acre parent tract measuring 200' wide by 1,000' deep. The applicant followed the minor subdivision approval process to create an additional two lots from the parent tract in September of 2023 as located in Plat Cabinet 20 Slide 13 of the Moore County Register of Deeds. The subdivision resulted in a total of three parcels (see Exhibit S-4). The parent tract is indicated as Lot 1 on the recorded subdivision plat, addressed as 2140 Midland Road and is now approximately 0.91 acres in size. The two new lots, now indicated as lots 2R and 3, are addressed as 2144 and 2148 Midland Road and are 2.07 acres and 1.61 acres in size.

The original lot (1 – 2140 Midland Road) contains a single-family residence which was built in 1968. Mr. Riddle began extensive renovations to the residence, after acquiring the proper permits, in August of 2022 and were completed in March of this year. The property was sold to the current owner, Ms. Harapko, in April of this year.

Mr. Riddle owns the remaining two lots, which are both currently under construction for new single-family residences. Mr. Riddle has indicated that the lot addressed as 2144 Midland Road is intended to be his personal residence. This property directly abuts the subject property at 2140 Midland Road.

The fence in question is a 6' tall wooden privacy fence which was built in March of 2024, according to Mr. Riddle, and was discovered by staff during final inspections for the approved renovations at 2140 Midland Road. The section of the fence which staff has determined does not meet the provision of Section 9.13(B)(6) of the PDO, is in the rear yard of 2140 Midland Road on the southern end of the property where the fence abuts the defined front yard of the residence that is under construction at 2144 Midland Road.

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

- Exhibit S-2 – Zoning Map
- Exhibit S-3 – Aerial Map
- Exhibit S-4 – Recorded Subdivision Plat

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 – Property Survey with Proposed Fence Indicated
- Exhibit A-3 – Applicant Photos

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, the 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 review 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:

With respect to the public hearing, the Zoning Board of Adjustment has the authority to subpoena witnesses and may request additional information. After conducting the public hearing, the Zoning Board of Adjustment may:

- (1) Continue the public hearing on the requested variance;
- (2) Grant the requested variance;
- (3) Deny the requested variance;

- (4) 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.



HISTORY, CHARM, AND SOUTHERN HOSPITALITY _____

**NOTICE OF PUBLIC HEARING
VILLAGE OF PINEHURST**

July 18, 2024

Dear Property Owner:

The Village of Pinehurst Board of Adjustment (BOA) will hold a Public Hearing on Thursday, August 1, 2024 at 4:30 PM, or immediately following the Planning & Zoning Board Meeting, 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 Pinehurst Development Ordinance Section 9.13 Fences, Walls and Columns, Subsection (B)(6), for the property addressed as 2140 Midland Road, further identified by Moore County PID # 00032900. This property is located within the R-30 Zoning District. Specifically, the applicant, Calvin Riddle, is requesting a variance to allow a fence that exceeds the four (4) foot maximum height when abutting a defined front yard of an adjacent property.

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

Exhibit S-1.6



0 400 800 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).

7/16/2024

August 1, 2024
 Board of Adjustments
 2140 Midland Road Variance Request



RIDDLE, F CALVIN JR
3380 YOUNG RD
SOUTHERN PINES,NC,28387

SAUNDERS, CARL EUGENE R &
2125 MIDLAND RD
SOUTHERN PINES,NC,28387

HALVERSTADT, RICHARD B
PO BOX 1588
PINEHURST,NC,28370

KIBLER, CHRISTOPHER M &
2150 MIDLAND RD
SOUTHERN PINES,NC,28387

PILLCSUB, LLC
3 PALMER DRIVE
SOUTHERN PINES,NC,28387

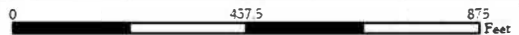
PILLCSUB, LLC
3 PALMER DRIVE
SOUTHERN PINES,NC,28387

MANDELL, RICHARD E
125 DR NEAL RD
SOUTHERN PINES,NC,28387



Legend

- Subject Property
- Official Zoning
- NC - Neighborhood Commercial
- OP - Office & Professional
- R MF - Res Multi-Family
- R15 - Residential
- R20 - Residential
- R30 - Residential
- RD - Recreational Development



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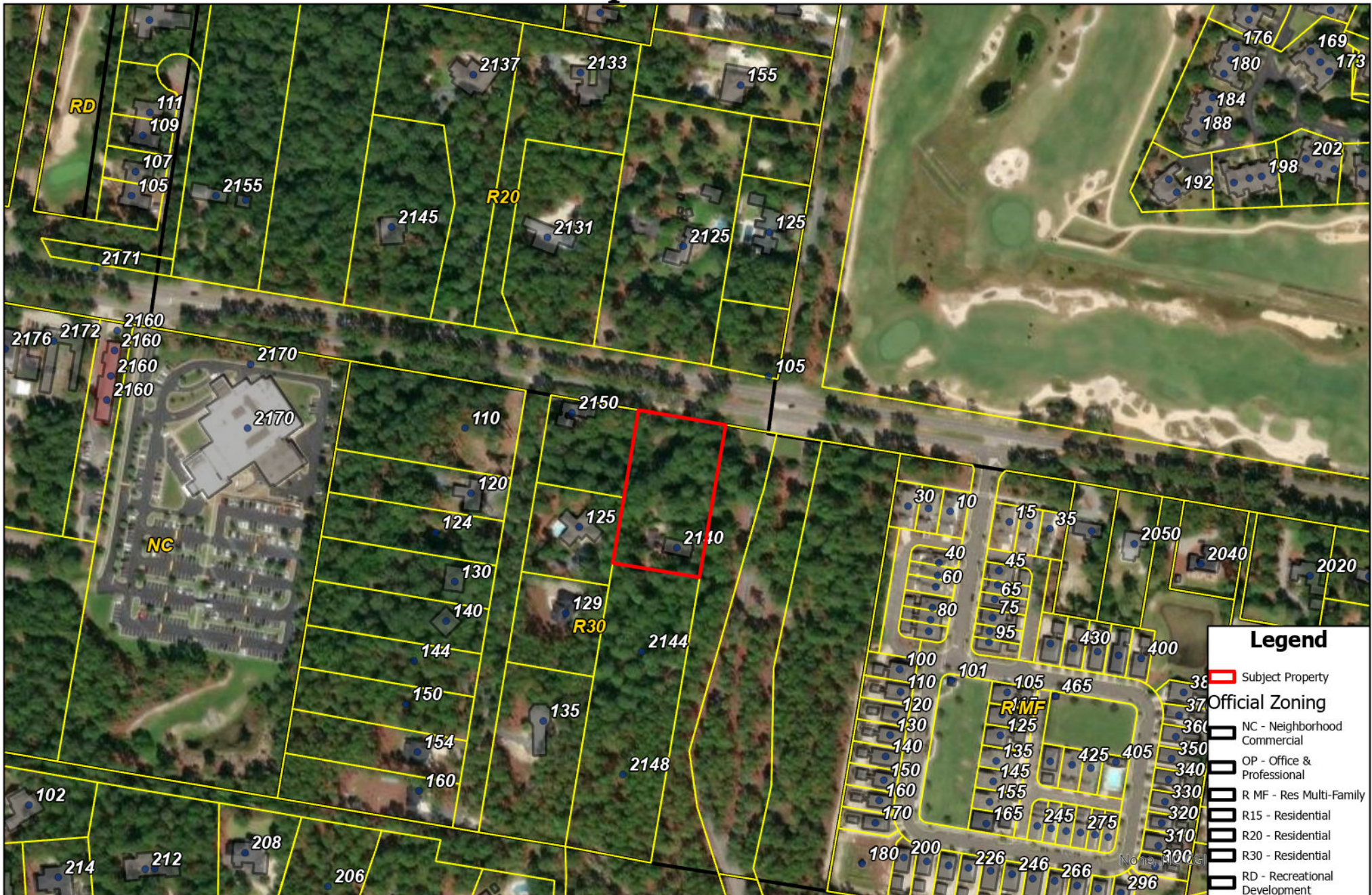
August 1, 2024

Board of Adjustments 2140 Midland Road Variance Request



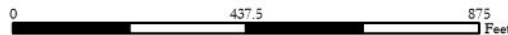
Aerial Map- 2140 Midland Road

Exhibit S-3



Legend

- Subject Property
- Official Zoning**
- NC - Neighborhood Commercial
- OP - Office & Professional
- R MF - Res Multi-Family
- R15 - Residential
- R20 - Residential
- R30 - Residential
- RD - Recreational Development



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7/23/2024

August 1, 2024
Board of Adjustments
2140 Midland Road Variance Request



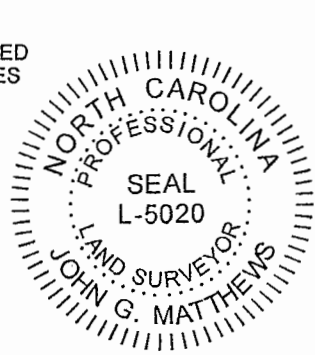
I, JOHN G. MATTHEWS, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS/GNSS SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:

- (1) CLASS OF SURVEY: CLASS A
- (2) POSITIONAL ACCURACY: ±3.10'
- (3) TYPE OF GPS FIELD PROCEDURE: RTK NETWORKS
- (4) DATES OF SURVEY: 04/19/2022
- (5) DATUM/EPOCH: NAD83(2011)
- (6) PUBLISHED/FIXED-CONTROL USE: NC CORS
- (7) GEOID MODEL: ContinentalUS_NGS2012B
- (8) COMBINED GRID FACTOR(S): 0.99999992
- (9) UNITS: US SURVEY FEET

GRID TO GROUND SCALE POINT:
N(y): 528141.736 US SURVEY FEET
E(x): 1872421.43 US SURVEY FEET

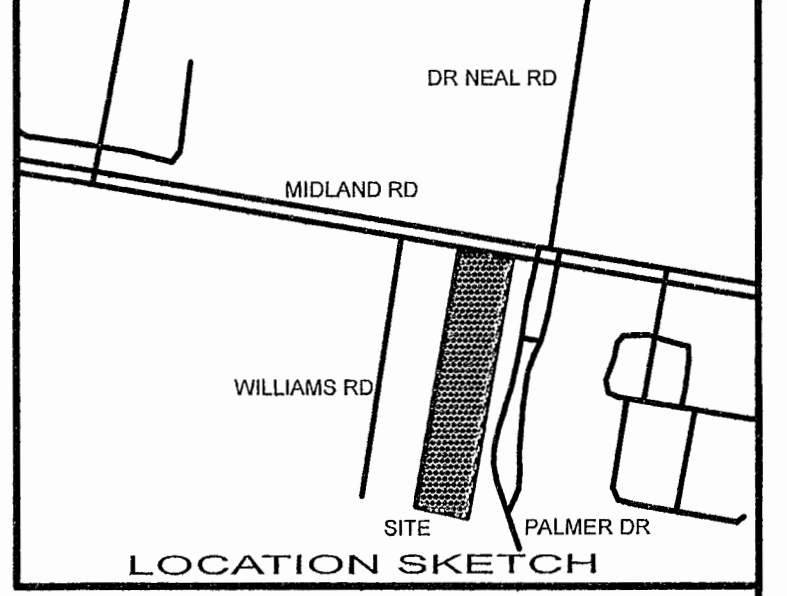
I, JOHN G. MATTHEWS, CERTIFY THAT THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

I, JOHN G. MATTHEWS, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN (SEE REFERENCE TABLE); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN (SEE REFERENCE TABLE); THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 1:10000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THE 20TH DAY OF SEPTEMBER, A.D. 2022.



PROFESSIONAL LAND SURVEYOR, L-5020

STATE OF NORTH CAROLINA
COUNTY OF MOORE
I, Dena Parner REVIEW OFFICER OF MOORE COUNTY, NORTH CAROLINA, CERTIFY THAT THE MAP OR PLAT WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.
Alma Parner REVIEW OFFICER
DATE: 9/22/23



CERTIFICATE OF APPROVAL

APPROVED FOR RECORDING BY THE VILLAGE PLANNER OF THE VILLAGE OF PINEHURST, NORTH CAROLINA ON THE 21 DAY OF September, 2023 PURSUANT TO THE PINEHURST DEVELOPMENT ORDINANCE. MUST BE RECORDED WITHIN THIRTY (30) DAYS OF THIS DATE.

Alma Parner
VILLAGE PLANNER
VILLAGE OF PINEHURST

CERTIFICATE OF OWNERSHIP AND DEDICATION

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREIN, THAT THE PROPERTY IS WITHIN THE SUBDIVISION JURISDICTION OF THE VILLAGE OF PINEHURST AND THAT I (WE) HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY (OUR) FREE CONSENT AND HEREBY ESTABLISH ALL LOTS AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS, AND OTHER OPEN SPACE TO PUBLIC OR PRIVATE USE AS NOTED.

Richard B. Halverstadt & Deborah B. Halverstadt
OWNER

CERTIFICATE OF APPROVAL

APPROVED FOR RECORDING BY THE VILLAGE PLANNER OF THE VILLAGE OF PINEHURST, NORTH CAROLINA ON THE 21 DAY OF September, 2023 PURSUANT TO THE PINEHURST DEVELOPMENT ORDINANCE. MUST BE RECORDED WITHIN THIRTY (30) DAYS OF THIS DATE.

Alma Parner
VILLAGE PLANNER/MANAGER
VILLAGE OF PINEHURST

CHRISTOPHER M. KIBLER & KELLEY J. KIBLER
DB 2127, P 347

RICHARD B. HALVERSTADT & DEBORAH B. HALVERSTADT
DB 5828, P 318

NICHOLAS VOGLER
DB 5767, P 346
PC 14, SL 5
PARCEL B

RAYMOND A. NOVICKI
DB 678, P 169

NATIONAL PROPERTY OWNERS ASSOCIATION, INC.
DB 4576, P 295
TRACT TWO
PC 4, SL 29

PLANTATION INVESTORS, LLC
DB 2069, P 533



LINE	BEARING	DISTANCE
L1	S 24°21'55" E	52.30'
L2	S 14°50'25" E	95.43'
L3	S 82°38'04" W	175.10'
L4	S 62°38'04" W	31.39'

LEGEND OF SYMBOLS AND ABBREVIATIONS

- CP ▲ COMPUTED POINT
- EA ● EXISTING AXLE
- ECM ● EXISTING CONCRETE MONUMENT
- EIP ● EXISTING IRON PIPE
- EIS ● EXISTING IRON STAKE
- NIS ○ NEW IRON STAKE
- FIRE HYDRANT
- GAS VALVE
- POWER POLE
- SANITARY SEWER MANHOLE
- STORM MANHOLE
- TELEPHONE PEDESTAL
- TRANSFORMER
- WATER METER
- WATER VALVE
- WELL
- #AG (8) INCHES ABOVE GRADE
- #BG (8) INCHES BELOW GRADE
- CB CATCH BASIN
- CL CENTERLINE
- CO CLEAN OUT
- CMP CORRUGATED METAL PIPE
- CPP CORRUGATED PLASTIC PIPE
- DI DROP INLET
- EJB ELECTRIC JUNCTION BOX
- EM ELECTRIC METER
- EMN EXISTING MAG NAIL
- EN EXISTING NAIL
- EOP EDGE OF PAVEMENT
- EPK EXISTING PK NAIL
- ERRS EXISTING RAILROAD SPIKE
- FOM FIBER OPTIC MARKER
- FL FLUSH WITH GRADE
- ICV IRRIGATION CONTROL VALVE
- MES MINIMUM BUILDING SETBACKS
- NIF NOW OR FORMERLY
- NMN NEW MAG NAIL
- RCP REINFORCED CONCRETE PIPE
- RW RIGHT-OF-WAY
- TBC TOP BACK CURB
- TOC TOE OF CURB
- YI YARD INLET
- SURVEYED PROPERTY BOUNDARY
- OTHER SURVEYED LINE
- LINES NOT SURVEYED
- RIGHT-OF-WAY
- OVERHEAD ELECTRIC LINES
- FENCE
- SANITARY SEWER LINES
- TIE LINE



NC GRID NORTH/NAVD83(2011)

PLAT CABINET 20 SLIDE 13

FOR REGISTRATION REGISTER OF DEEDS
September 22, 2023 11:58:11 AM
Book 20 Page 13-13
FEE: \$21.00
INSTRUMENT # 2023012683

REVISIONS:
07/13/2022 - CHANGE SURVEY FOR NAME
07/28/2022 - ADD PROPOSED ADDITIONS
08/03/2022 - PRELIMINARY DIVISION
08/18/2022 - REVISE DIVISION
07/19/2023 - REVISE DIVISION
09/20/2023 - ADD CERTIFICATE OF APPROVAL

MINOR SUBDIVISION FOR

F. CALVIN RIDDLE, JR.

MIDLAND FARMS, LOT 31
VILLAGE OF PINEHURST
MINERAL SPRINGS TOWNSHIP
MOORE COUNTY, NORTH CAROLINA

MAY 3, 2022

0 40 80 120
SCALE 1"=40'

REFERENCE TABLE:
DEED BOOK 5941, PAGE 280
MAP BOOK 2, PAGE
PLAT CABINET 19, SLIDE 591
MOORE COUNTY REGISTRY

OWNER'S ADDRESS:
F. CALVIN RIDDLE, JR.
3380 YOUNG RD
SOUTHERN PINES, NC 28387

PROPERTY ADDRESS:
2140 & 2148 MIDLAND RD
SOUTHERN PINES, NC 28387

BUILDING SETBACKS PER UDO:
FRONT = 40'
SIDE = 20'
REAR = 30'

MATTHEWS
LAND SURVEYING & MAPPING
FIRM LICENSE # P-1543

10 COURTHOUSE SQUARE
CARTHAGE, NC 28327
910-847-0271
JOB# 11179 DIVISIONS FINAL

- NOTES:
- TOTAL AREA IS 4.59 ACRES
 - ACREAGE DETERMINED BY COORDINATE METHOD
 - TAX PARCEL ID: 00032900
 - ZONING: R30
 - PUBLIC WATER SUPPLY WATERSHED: NONE
 - TOPO TAKEN FROM LIDAR
 - THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE SEARCH AND IS SUBJECT TO ANY EASEMENTS OR CONVEYANCES OF RECORD.
 - NO ATTEMPTS MADE TO LOCATE UNDERGROUND UTILITIES

CHRISTOPHER M. KIBLER
& KELLEY J. KIBLER
DB 2127, P 347

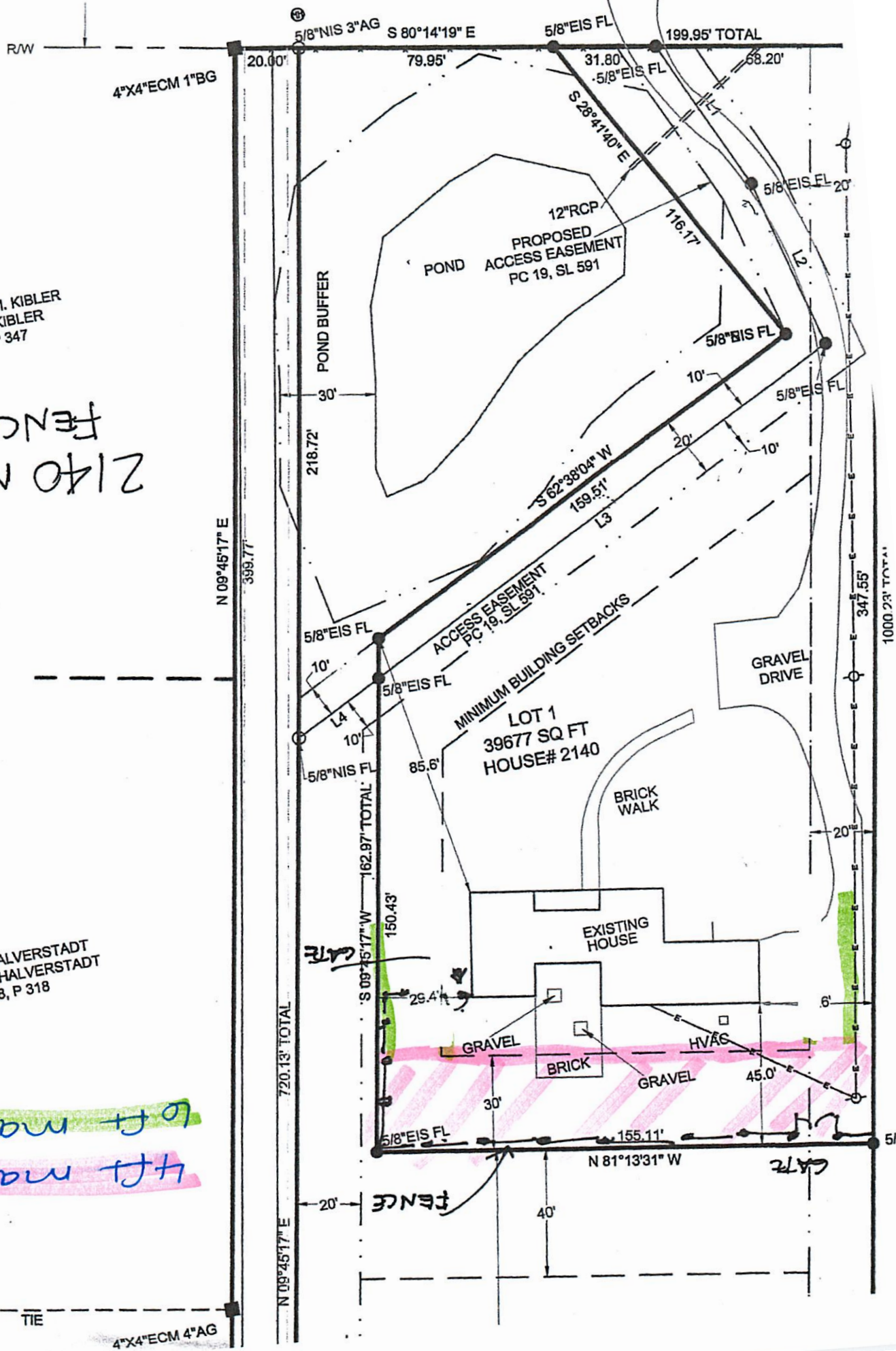
2140 MIDLAND
FENCE

RICHARD B. HALVERSTADT
& DEBORAH B. HALVERSTADT
DB 5828, P 318

max 10
max 4 ft

30°19'08" W
199.96' TIE

4"x4"ECM 4"AG





Front yard of 2144 Midland Road facing driveway



Front view of 2144 Midland Road facing rear yard of 2140 Midland Road

Exhibit A-3.4



Driveway leading to 2144 Midland Road
with 2140 Midland Road 6' side yard fence
in view

Exhibit A-3.5

Rear yard of 2140 Midland Road facing
front of 2144 Midland Road

Exhibit A-3.6

Rear yard of 2140 Midland Road

Exhibit A-3.7

Rear yard of 2140 Midland Road



Exhibit A-3.8

6' rear yard fence close up



Exhibit A-3.9

6' rear yard fence close up

