



**Board of Adjustment
Meeting Minutes
April 4, 2013
4:45 pm
Assembly Hall**

395 Magnolia Road, Pinehurst, NC 28374

*All Board members except for Percy Bennett and Byrd Gwinn were sworn in by
Village Clerk, Lauren Craig.*

Call to order of the regular meeting at 4:45 pm

*Chairman Richard Ashton confirmed that there was a quorum present
and called the regular meeting to order.*

Board members present:

*Richard Ashton, Regular member
Fred Engelfried, Regular member
Kevin Hardt, Regular member
Carol Henry, ETJ Regular member
Joel Shriberg, Regular member*

*Betty Sapp, ETJ Alternate (non-voting member)
Jay Snyder, Alternate (non-voting member)*

Board members not present:

*Percy Bennett, Alternate member
Byrd Gwinn, Alternate member*

Staff present:

*Bruce Gould, Senior Planner; Gwendy Hutchinson, Planning and Administrative Assistant;
and Mariann Benway, Court Reporter.*

Approval of the December 6, 2012 Special Meeting Minutes

Fred Engelfried made a motion to approve the December 6, 2012 meeting minutes; Kevin Hardt seconded the motion, which was unanimously approved. The Board asked that in the future to add to the minutes whether a member is a regular member or an alternate member when noting who was present or who was absent.

Chairman Ashton opened the Public Hearing.

Public Hearing:

To receive testimony for a variance request from section 10.2.2.2 (c) Table of Dimensional Uses, and section 10.2.4.3 (e) of the Pinehurst Development Ordinance, for property at 38 Chinquapin Road. This property is located within the VC (Village Commercial) Zoning District and the Historic Preservation Overlay District, further identified by Moore County Tax Reference as LRK # 30476. Specifically, the applicant Wayne Haddock/Pinehurst Homes and the owner Elias & Helen Dalitsouris are requesting a variance from the side and rear setback requirements of 5' to a setback of 0' and a variance from the 30' buffering requirement from the against adjacent residential property to a 0' buffer in order to add on to the rear of the existing building.

Fred Engelfried stated that he wanted it on record that he knows Wayne Haddock, Contractor and will be hiring him to do some work around his home.

Wayne Haddock, Contractor was present to answer any questions or address any concerns of the Board.

Senior Planner Bruce Gould read a portion of the staff report into the record.

The variance is requested in order to encroach five (5) feet into the required 5-foot side and rear setback and the buffering requirement for the purpose of constructing an addition to the existing building. The Local Historic District report indicates that the building was constructed circa 1930 and it appears that several additions and alterations have been done to the original structure over time. Portions of the existing structure currently encroach into the rear setback.

The applicant has indicated in their petition for variance that they are seeking relief from the side setback. Upon reviewing the survey/site plan submitted with the petition staff is not convinced this is needed.

It should also be noted that there is now an alternate means of reducing the buffering requirement as a recent amendment has been made to the Pinehurst Development Ordinance

that gives the Village Council a means to waive or mitigate buffer requirements in the VC District.

Carnie Lawson, adjacent property owner stated that he was not a fan of waivers or exceptions.

Sharon Lawson, adjacent property owner stated that this could be a fire hazard.

Chairman Richard Ashton closed the Public Hearing.

After discussion Joel Shriberg made a motion to approve the request for a variance with the following conditions:

- 1. If the existing brick wall is somehow damaged during construction it will be replaced or repaired in kind;*
- 2. The new cooler will be the same capacity as the existing cooler they are replacing;*
- 3. The new roof will be guttered onto Theo's property;*
- 4. The existing kitchen will not be enlarged in any way;*
- 5. The structure will be no larger than 10' x 15';*
- 6. Will tie into existing roof line;*
- 7. Maximum 10' exterior wall light adjacent to Lawson property; and amend to eliminate side setback.*

Fred Engelfried seconded the motion, which was unanimously approved.

Chairman Richard Ashton opened the Public Hearing.

To receive testimony for a variance request from section 10.2.2.2 (d) Table of Dimensional Requirements for Accessory Buildings and Structures for property at 200 Short Rd. This property is located within the PC (Public Conservation) Zoning District, further identified by Moore County Tax Reference as LRK # 20010611. Specifically, the applicant AT&T Mobility and the owner Moore County are requesting a variance from the accessory structure setback requirement of 20' to a setback of 5' in order to construct an equipment shelter to serve a proposed concealed wireless antennae assembly to be placed on the top of the existing water storage tank.

Karen Kemerait, Attorney and Steven Howard, Senior Real Estate Construction Manager for AT&T Mobility were present to answer any questions or address any concerns of the Board.

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Misty Leland, Attorney for Moore County and Randy Gould, Planning Director for Moore County were present to answer any questions or address any concerns of the Board.

Senior Planner Bruce Gould read a portion of the staff report into the record.

The applicant AT&T Mobility and the owner Moore County are requesting a variance from the accessory structure setback requirement of 20' to a setback of 5' in order to construct an equipment shelter to serve a proposed concealed wireless antennae assembly to be placed on the top of the existing water storage tank.

After discussion Kevin Hardt made a motion to approve the variance request as proposed; Fred Engelfried seconded the motion, which was unanimously approved.

Chairman Ashton closed the Public Hearing.

With no further discussion, the meeting was adjourned.

Transcripts of both cases are available in the Planning Department.

Submitted by,



*Gwendy Hutchinson
Planning and Administrative Assistant
Village of Pinehurst*