



**Board of Adjustment  
Meeting Minutes  
June 5, 2014  
Continued Meeting from May 13, 2014  
4:00 pm  
Village Hall**

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395 Magnolia Road, Pinehurst, NC 28374

**Call to order of Continued Meeting from May 13, 2014 at 4:00 pm**

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

**Board members present:**

*Richard Ashton, Regular member  
Fred Engelfried, Regular member  
Byrd Gwinn, Alternate (did not vote)  
Kevin Hardt, Regular member  
David Kelly, Alternate (did not vote)  
Betty Sapp, ETJ Alternate  
Joel Shriberg, Regular member*

**Board members absent:**

*Carol Henry, ETJ Regular member  
Jay Snyder, Alternate*

**Staff present:**

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

**Also present:**

**Attorney for the Board of Adjustment:**

*John Silverstein, Satisfsky & Silverstein, LLP*

**Attorney for the Historic Preservation Commission:**  
*George Currin, Currin & Currin*

**Attorney for Appellant:**  
*M. Jay DeVaney, Nexsen & Pruett*

**Approval of the May 13, 2014 Meeting Minutes**

*Kevin Hardt made a motion to approve the May 13, 2014 Meeting Minutes; Fred Engelfried seconded the motion, which was unanimously approved.*

*Chairman Ashton stated that at a Special Meeting on May 22, 2014; the Historic Preservation Commission, reviewed the material of the transcript recorded by a third party and determined that the transcript is a reasonable representation, as submitted, and may not be totally complete, but can be added as a supplement to the official record. It is now part of the record of the activities of the Historic Preservation Commission concerning this matter.*

*Chairman Ashton stated for the record that he and his sister-in-law, Mayor Nancy Fiorillo, have not had any discussions regarding this case.*

**Public Hearings:**

1. The purpose of this Public Hearing is to consider an appeal of the Historic Preservation Commission's denial of a Certificate of Appropriateness at a special meeting on January 30, 2014 for a new home at 170 Everette Road, Pinehurst, NC. More specifically, the denial was for property identified as Moore County LRK #'s 19490 and 23548 and being owned by Putterboy 7, LLC. As outlined in Section 12.3.9 b) of the Pinehurst Development Ordinance this appeal shall be in the nature of certiorari. The appellant is Putterboy 7, LLC.

*Each of the Attorneys presented their case and rebuttals.*

**Attorney for Appellant:**  
*M. Jay DeVaney, Nexsen & Pruett*

**Attorney for the Historic Preservation Commission:**  
*George Currin, Currin & Currin*

**Attorney for the Board of Adjustment:**

*John Silverstein, Satsky & Silverstein, LLP; acted as advisor and counsel, to the Board of Adjustment.*

*After discussion, Fred Engelfried made a motion to affirm the decision of the Historic Preservation Commission (HPC) to deny the Certificate of Appropriateness 13-102; for a new single-family home construction at 170 Everette Road; Joel Shriberg seconded the motion.*

**Poll the Board**

*Richard Ashton  
Fred Engelfried  
Kevin Hardt  
Betty Sapp  
Joel Shriberg*

*Voted to affirm the decision of the HPC  
Voted to affirm the decision of the HPC  
Voted not to uphold the decision of the HPC  
Voted to affirm the decision of the HPC  
Voted to affirm the decision of the HPC*

*The vote was 4-1 to affirm the decision of the Historic Preservation Commission.*

*With no further discussion, the meeting was adjourned.*

Submitted by,



*Wendy Hutchinson  
Planning and Administrative Assistant  
Village of Pinehurst*