

**Board of Adjustment**

**Agenda**

**October 4, 2012**

**4:00 pm**

**Assembly Hall**

---

395 Magnolia Road, Pinehurst, NC 28374

**Call to order of the regular meeting at 4:00 pm**

**Approval of the September 6, 2012 Meeting Minutes**

**Public Hearings:**

1. Request for a minor special use permit for property at 30 Page St., located in the NC (Neighborhood Commercial) Zoning District, further identified by Moore County Tax Reference LRK # 50280. Specifically, the applicant/owner Dembosky Holdings, LLC is requesting a minor special use permit in order to operate a Medical Laboratory within the NC zoning district.
2. 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 June 29, 2012 for various changes to be made on the Village Green at 1 Village Green Road West. More specifically, the denial was for a proposal to relocate the existing sand parking lot, construct a paved parking lot closer to the Village Chapel and to construct a grassed area with associated amenities adjacent to the Given Memorial Library. 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 the Village of Pinehurst Village Council.

**General Discussion**

**Adjournment**

**Board of Adjustment  
Meeting Minutes  
October 4, 2012  
4:00 pm  
Assembly Hall**

**Board of Adjustment  
Meeting Minutes  
October 4, 2012  
4:00 pm  
Assembly Hall**

---

395 Magnolia Road, Pinehurst, NC 28374

**Call to order of the regular meeting at 4:00 pm**

*Chairman Richard Ashton called the meeting to order.*

**Board members present:**

*Richard Ashton  
Percy Bennett  
Byrd Gwinn  
Kevin Hardt  
Betty Sapp  
Joel Shriberg*

**Board members absent:**

*Carol Henry  
Jay Snyder*

**Staff present:**

*Bruce Gould, Senior Planner  
Molly Goodman, Senior Planner  
Andrea Correll, Planning and Inspections Director  
Gwendy Hutchinson, Planning and Administrative Assistant  
Michael Newman, Village of Pinehurst Attorney  
Robin Currin, Village of Pinehurst Attorney  
John Silverstein, Board of Adjustment Attorney  
John H. Carmichael, Historic Preservation Commission Attorney  
Dale L. Ring, Court Reporter*

**Approval of the September 6, 2012 Meeting Minutes**

*Betty Sapp made a motion to approve the September 6, 2012 Meeting Minutes;  
Kevin Hardt seconded the motion, which was unanimously approved.*

**Public Hearings:**

1. Request for a minor special-use permit for property at 30 Page St., located in the NC (Neighborhood Commercial) Zoning District, further identified by Moore County Tax Reference LRK # 50280. Specifically, the applicant/owner Dembosky Holdings, LLC is requesting a minor special-use permit in order to operate a Medical Laboratory within the NC zoning district.

*Jarrett Deerwester, JD Construction and Dr. Dell Dembosky, owner of Marlboro Chesterfield Pathology were present to answer any questions or address any concerns of the Board.*

*Jarrett Deerwester gave an overview of the project and read the Findings of Fact into the record.*

*After discussion, Kevin Hardt made a motion to approve the request for a minor special-use permit for the property at 30 Page Street in order to operate a Medical Laboratory; Percy Bennett seconded the motion, which was unanimously approved.*

**Vote:**

<i>Richard Ashton</i>	<i>yes</i>
<i>Percy Bennett</i>	<i>yes</i>
<i>Kevin Hardt</i>	<i>yes</i>
<i>Betty Sapp</i>	<i>yes</i>
<i>Joel Shriberg</i>	<i>yes</i>

*The vote was unanimously approved 5-0.*

*There was no public comment.*

2. 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 June 29, 2012 for various changes to be made on the Village Green at 1 Village Green Road West. More specifically, the denial was for a proposal to relocate the existing sand parking lot, construct a paved parking lot closer to the Village Chapel and to construct a grassed area

**Board of Adjustment  
Meeting Minutes  
October 4, 2012  
4:00 pm  
Assembly Hall**

with associated amenities adjacent to the Given Memorial Library. 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 the Village of Pinehurst Village Council.

*Michael Newman and Robin Currin, Village of Pinehurst Attorneys; John Silverstein, Board of Adjustment Attorney; and John Carmichael, Historic Preservation Commission Attorney; were present to answer any questions or address any concerns of the Board.*

*Michael Newman entered into the record, the Memorandum of Law and the Findings of Fact. After discussion, Betty Sapp made a motion to remand the case back to the Historic Preservation Commission to issue a Certificate of Appropriateness; Kevin Hardt seconded the motion, which was unanimously approved.*

***Vote***

<i>Richard Ashton</i>	<i>yes</i>
<i>Percy Bennett</i>	<i>yes</i>
<i>Kevin Hardt</i>	<i>yes</i>
<i>Betty Sapp</i>	<i>yes</i>
<i>Joel Shriberg</i>	<i>yes</i>

*The vote was unanimously approved 5-0.*

*BOA Attorney, John Silverstein advised the Board not to accept any comments from the Public as the Board has the Findings of Fact before them.*

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

*(Transcript of this meeting will be available through the Planning Department.)*

Submitted by,



Gwendy Hutchinson

Planning and Administrative Assistant  
Village of Pinehurst