

**Board of Adjustment
Agenda
November 17, 2011
4:00 pm
Assembly Hall**

395 Magnolia Road, Pinhurst, NC 28374

- 1) **Call to order of the regular meeting at 4:00 pm**
- 2) **Appointment of an interim Chairperson**
- 3) **Approval of the October 27, 2011 Meeting Minutes and Transcript**
- 4) **Establishing the Findings of Fact and Signing of the Order for Variance 2011-01**
- 5) **General Discussion**
- 6) **Adjournment**

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Meeting Minutes
November 17, 2011
4:00 pm
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395 Magnolia Road, Pinehurst, NC 28374

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

Bruce Gould, Senior Planner called the meeting to order.

Board members present:

*Lou Clay
Sally Gold
Carol Henry*

Board member absent:

Nancy Brooks

Staff present:

Bruce Gould, Senior Planner and Gwendy Hutchinson, Planning and Administrative Assistant.

Appointment of an interim Chairperson

Bruce Gould, Senior Planner informed the Board the Village Council approved the Board appointing an interim Chairperson for this meeting.

Carol Henry made a motion to appoint Lou Clay as interim Chairperson for this meeting; Sally Gold seconded the motion. Lou Clay accepted to be Chairperson for this meeting.

Approval of the October 27, 2011 Meeting Minutes and Transcript

Sally Gold made a motion to approve the October 27, 2011 meeting minutes as submitted and to amend page 20 line 13 to show 2 instead of 7 in the October 27, 2011 transcript; Carol Henry seconded the motion, which was unanimously approved.

Staff to contact Court Reporter Cynthia Hall to make the correction.

Establishing the Findings of Fact and Signing of the Order for Variance 2011-01

The Board established the following Findings of Fact:

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1. That special conditions and circumstances exist which are peculiar to the *land, structure, or building* involved and which are not applicable to other *lands, structures, or buildings* located in the same zoning district.

BOA Vote: 4 in favor and 1 against.

In favor: June Jefferys, Sterling Breed, Sally Gold, Lou Clay.

Against: Nancy Brooks

2. That the literal interpretation and strict enforcement of the provision to be varied would deprive the applicant of rights commonly enjoyed by other properties located in the same *zoning district* under the terms of this Ordinance.

BOA Vote: 5 in favor

In favor: June Jefferys, Sterling Breed, Sally Gold, Nancy Brooks, and Lou Clay.

Against: 0

3. That the special conditions and circumstances do not result from the actions of the applicant.

BOA Vote: 4 in favor and 1 against

In favor: June Jefferys, Sterling Breed, Sally Gold, Nancy Brooks.

Against: Lou Clay

4. That the practical difficulty or undue hardship complained of is due to the particular characteristics of the *property* and not to the general conditions of the neighborhood. A hardship particular to the applicant or applicant's property, as distinguished from hardships caused to properties in the neighborhood, by the Ordinance, must be shown.

BOA Vote: 3 in favor and 2 against

In favor: June Jefferys, Sterling Breed, Sally Gold.

Against: Lou Clay and Nancy Brooks

5. That granting the proposed *variance* will not confer on the applicant any special privilege that this Ordinance denies to other *land, structures, or buildings* located in the same zoning district.

BOA Vote: 4 in favor and 1 against

In favor: June Jefferys, Sterling Breed, Sally Gold, Lou Clay.

Against: Nancy Brooks.

The vote on this variance was 3 members in favor of granting the variance and 2 for denial of the variance. Due to a variance requiring a 4/5ths vote this variance did not have a 4/5ths vote for approval.

Therefore, on the basis of all the foregoing, it is ordered that the application for a variance be: DENIED

Carol Henry made a motion to approve the order that the variance be denied; Sally Gold seconded the motion, which was unanimously approved.

Ordered this 17th day of November 2011. Lou Clay, Interim Chairperson signed the order.

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With no further discussion, the meeting was adjourned.

Submitted by,

A handwritten signature in black ink that reads "Gwendy Hutchinson". The signature is written in a cursive style with a large, stylized initial "G".

*Gwendy Hutchinson
Planning and Administrative Assistant
Village of Pinehurst*