

Application No. _____

**City of Wilmington
State of North Carolina
Application for a Variance**

Application Accompanied by the Following Items

1. Plot plan with nature of variance requested
2. Check fee WAIVED
3. New Hanover County Tax Map delineating property in question
4. Notice to adjacent property owners

Applicant's Response to Required Items for Consideration for a Variance

Applicant/Representative

1. Unnecessary hardship as it would result of the application of the ordinance
2. An entire home was built on the land after the zoning approval on 1/19/2024. Expected move in date after all approvals was to be 02/21/2025. Due to the circumstances, two families will have nowhere to live on 2/1/2025. The buyer's current home located in the Shinnwood West subdivision has a contract for rent beginning 2/1/25. This leaves the buyer's family with no place to live due to this oversight.
3. The hardship is the result of an oversight made in passing the zoning approval on 1/19/24.
4. The land was purchased and the buyer did not foresee any circumstances that would cause an issue with the building process. The buyer relied on the knowledge of those involved to abide by all zoning and building rules set by the city of Wilmington and New Hanover County.

REASON FOR VARIANCE REQUEST

Complying with the City development regulations would require the 343 Airlie Rd home to be either rebuilt entirely or somehow relocated 9 feet north of where it currently stands. We had every intention of building this home within the city zoning ordinance, obtained this approval on 1/19/2024. On this approval, the city made the mistake of allowing the house to be built "21 feet from property line" instead of "30 feet from the property line" as they are demanding now. Due to their own oversight, the city is not allowing our client to take occupancy of the home, leaving them nowhere to live in the interim. Given that this mistake was made as an oversight of the city by incorrectly approving of the zone, it is unfair that the builder may not finish this project and the homeowner may not take residency. The fault of this oversight lies entirely on the city, yet the builder and homeowner are the only ones being punished, as the homeowner should've been allowed residence on 01/21/2025, but now must wait until 02/20/2025 for a Certificate of Occupancy to hopefully be given by the same institution that caused this mistake in the first

place. The homeowner is now without a home for 30 days and at the mercy of the City to approve the correction on their own mistake.

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The **BOARD OF ADJUSTMENT** is required to make the following four (4) findings before granting a Variance. Write a thorough response to each of these items:

1. **UNNECESSARY HARDSHIP** - Strict application of the ordinance would require the finished home to be demolished, rebuilt, or otherwise relocated 9 feet north of where it currently stands. This is entirely unnecessary, impractical, and a waste of all resources.
2. **HARDSHIP RESULTS FROM CONDITIONS THAT ARE PECULIAR TO THE PROPERTY** - The 343 Airlie Rd home is the only house in this neighborhood that the city gave approval on incorrect zoning. The initial approval of zoning was acquired in order to avoid an issue such as the one we face today.
3. **HARDSHIP DID NOT RESULT FROM ACTIONS TAKEN BY THE APPLICANT OF THE PROPERTY OWNER** - The city approved of a "21 foot setback" on 01/19/2024. Therefore, the builder built the house in the approved zone.
4. **REQUESTED VARIANCE IS CONSISTENT WITH ORDINANCE FOR PUBLIC SAFETY AND JUSTICE** - We see no reason that the house 21 feet from the property line would be any less safe or just than a home 30 feet from the property line. The only injustice and safety concern is that the homeowners have nowhere to live on 01/21/2025, as the house they built, purchased, and paid taxes on is being barred from their home by the city, due to the city's own negligence.

PROPERTY LOCATION INFORMATION

Street address of subject property: 343 Airlie Rd, Wilmington, NC 28403

Tax Parcel Number of subject property: R05700-006-062-000

APPLICANT INFORMATION Name: Vahue Custom Homes Inc Address: 5725 Oleander Dr, Ste D-2 Wilmington, NC 28403 Phone #: 910-352-6799 Email: mev@vahuebuilding.com	OWNER INFORMATION Name: Laura Soriano Address: 1908 Springwood Dr Wilmington, NC 28409 Phone #: 630-432-2237 Email: sorianofinancial@gmail.com
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ATTACH AGENT FORM IF THE APPLICANT IS NOT THE OWNER

DATE: 01/16/2025

APPLICANT'S SIGNATURE: _____



