

Application No. BADV-23-225

**CITY OF WILMINGTON  
STATE OF NORTH CAROLINA**

**APPLICATION FOR A VARIANCE**

**PURPOSE OF VARIANCE** – A Variance is the official allowance of a variation from the dimensional requirements of the City Land Development Code or other development regulations. An applicant for a variance must demonstrate valid reasons which create a need for a Variance. These reasons cannot be strictly economic in nature but must generally involve some physical problem with the subject property which will not allow it to be developed in a reasonable manner if City development regulations are followed literally, such as a lot which is substandard in area or width.

**BOARD OF ADJUSTMENT** - The Board of Adjustment, or BOA, is the official City Board that considers requests for variances. The BOA receives sworn testimony at its quasi-judicial hearings and issues decisions on variance requests based on this testimony. It is the responsibility of each applicant for a Variance to attend the BOA meeting and present sworn testimony in support of the request.

**REASON FOR VARIANCE REQUEST** – Explain in your own words why you are requesting a Variance. Be sure to clearly indicate the problem(s) you will experience in complying with the City development regulations. (Attach additional sheets if needed.)

Looking to install a fiberglass pool and concrete pool deck; current design

shows the pool deck extending approx. 7' outside of the facade of the footprint

of the home. Please see attached explanation letter and site plan for details.

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 would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from conditions that are common to the neighborhood or the general public may not be the basis for granting a variance;
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship;
4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

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ATTACH PLOT PLAN DESCRIBING VARIANCE REQUEST

PROPERTY LOCATION INFORMATION

Street address of subject property 1020 Midnight Channel Rd. Wilmington, NC

Tax Parcel Number of subject property 205000-004-218-000

PLEASE ATTACH TAX PARCEL & APPLICANT/OWNERSHIP INFORMATION

APPLICANT INFORMATION

Name/Address/Telephone/Email

Name: William Hickman

Address: 4802 Bailey St. Shallotte, NC

Phone #: 910-274-8854

Email: whickman@carolinacreations.biz

OWNER INFORMATION

Name/Address/Telephone/Email

Marvin & Sarah Neuwirth

1020 Midnight Channel Rd. Wilm, NC

910-367-3812

sarahonbhi@msn.com

ATTACH AGENT FORM IF THE APPLICANT IS NOT THE OWNER

DATE 1/7/2025

APPLICANT'S SIGNATURE

DocuSigned by:  
William Hickman  
93CB10D592D3498...



Marvin & Sarah Neuwirth  
1020 Midnight Channel Rd.  
Wilmington, NC 28403  
%: William Hickman, Carolina Creations

### **Variance Request for Swimming Pool Installation**

Mr. and Mrs. Marvin Neuwirth are formally requesting a variance for the installation of a fiberglass swimming pool at their home located at 1020 Midnight Channel Rd. The swimming pool and concrete pool deck will be located the backyard of the property adjacent to their rear-entry driveway and garage (*please see attached site plan*), and adheres to all property-line setbacks (10' side setback and 15' rear setback). The body of water is also 10' away from the garage wall to be code-compliant as well. Unfortunately, in order to meet the code requirements in the space allowed, the pool and pool deck do extend approximately 7' past the side facade of the home, which we have been informed by city zoning is only permissible with an approved variance. We will note that there is an attached covered porch on that side of the home that shares a foundation and roof-line with the home that will further block the view of the pool and pool deck from the front of the home on Midnight Channel Rd. I have attached site photos for reference as well.

As part of the pool installation, the required pool equipment will also be installed within the side setback on the R' side (front-facing) of the property adjacent to the garage as noted on the site plan. The existing mechanicals and electrical box are located in this area currently.

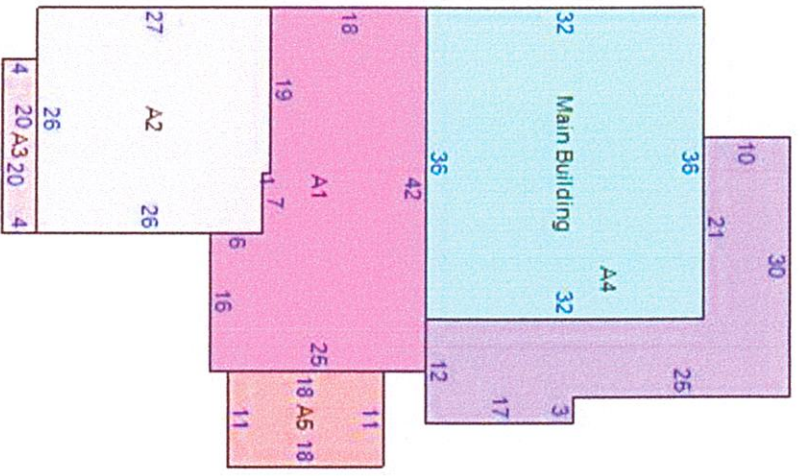
Mr. and Mrs. Neuwirth's home is located on a corner lot, and their backyard (*where the pool installation will be located*) backs up to Susquehanna Lane, which is adjacent to the back property-line of the HOA and no homes are located behind them. In addition, they have an existing code compliant fence, and exterior landscape screening around the entire area (*photos provided*).

1. Mr. and Mrs. Neuwirth are elderly clients, and are installing a pool for health and therapeutic benefits. The pool will be used for both exercise and entertainment, but Mr. Neuwirth is unable to use the community pool on a regular basis due to back issues.
2. The nature of the home layout on the corner lot only allowed for the driveway to be installed in the back of the property, which limited the amount of space in the backyard allowable for a pool installation (*as to not extend beyond the facade of the home*).
3. All of the homes on Midnight Channel Rd. have rear-facing garages & driveways that back up to/are adjacent to Susquehanna Lane. The Neuwirth's built their home in compliance with the existing structures in the neighborhood and within the guidelines of the HOA.
4. We are fully aware that the requested accessory structure would extend past the facade of the home, but we are respectfully requesting that all external factors listed in this request be considered, such as the location of the lot (so as not to disturb any neighboring properties), the foundational screen porch built which was built as part of the home and acts as additional screening from the front of the home, and all property setbacks and building codes are observed and adhered to.



PARID: R05000-004-218-000  
NEUWIRTH MARVIN RICHARD SARAH CRAIG

1020 MIDNIGHT CHANNEL RD



Item	Area
Main Building	1152
A1 - BAS:1S FR ONE STORY FRAME	875
A2 - GAR:GARAGE	695
A3 - FOH:ONE STORY OVERHANG	80
A4 - POR:OPEN PORCH	639
A5 - CS:CONCRETE SLAB	198

Printed on Monday, January 6, 2025, at 6:42:11 AM EST









Sent from my iPhone





BADV-23-225

**Denise Medlin**

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**From:** Will Hickman, Carolina Creations  
**Sent:** Monday, January 6, 2025 8:00 AM  
**To:** Denise Medlin  
**Subject:** Neuwith Site Photos- Please Print

Hi Denise,

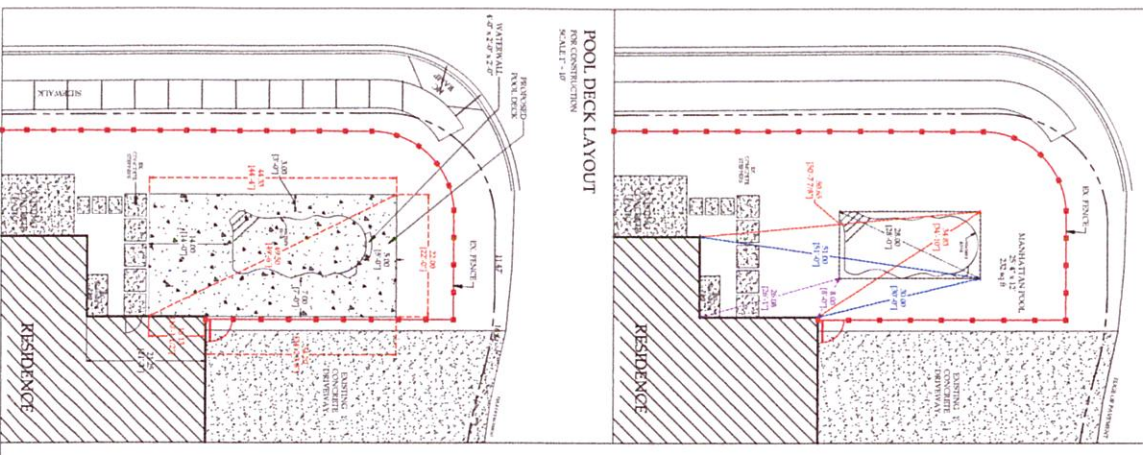
Would you also mind printing these site photos for me (on regular 8' x 11' paper) for Neuwith?

Thanks,

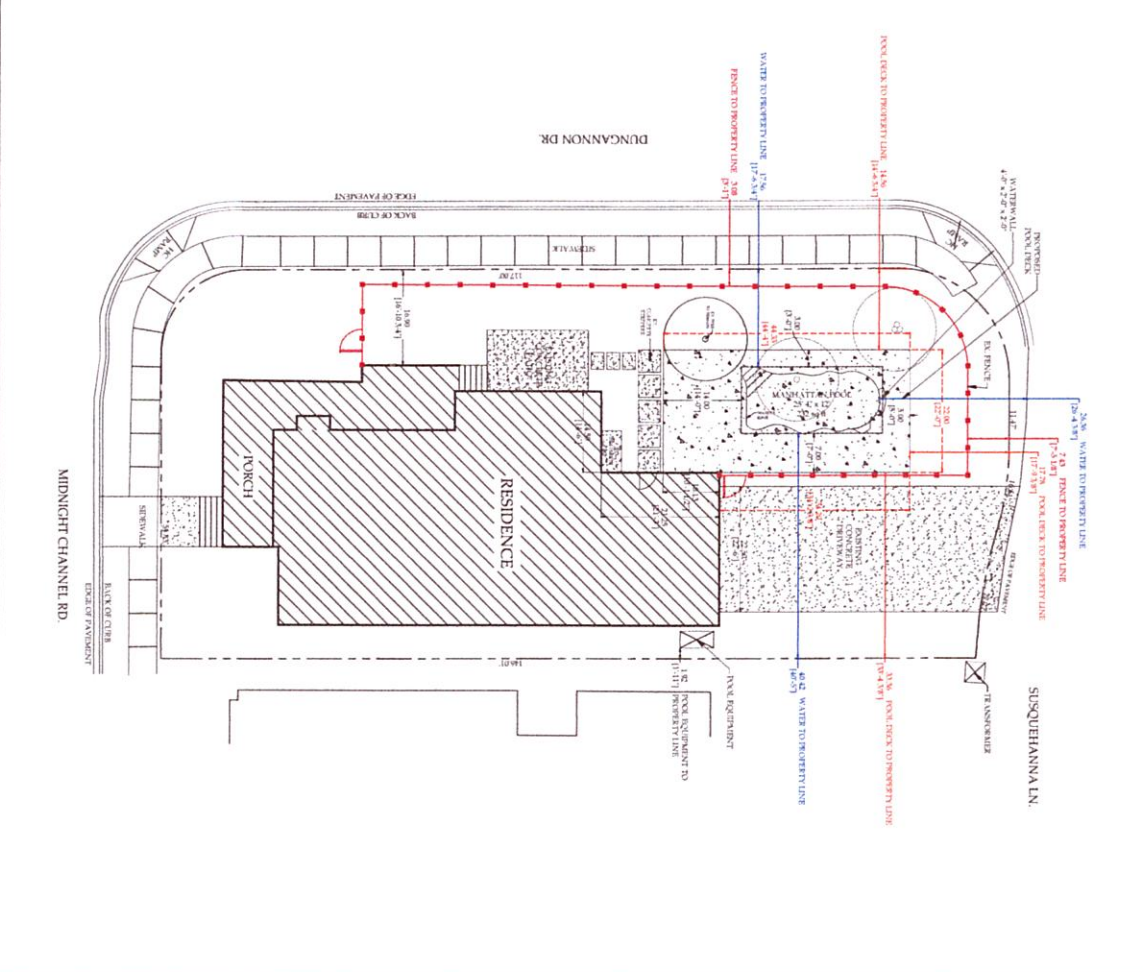
Will

BADV-23-225

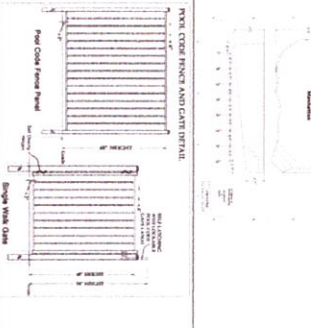
**POOL PLACEMENT**  
 PER CONSENT  
 SCALE: 1" = 10'



**POOL SITE PLAN**



**FIBERGLASS POOL DIG PLAN**  
 NOT TO SCALE



**NOTES:**  
 POOL FENCE SPECIFICATIONS TO MEET TIA NC/C18A 2128 FENCES  
 POOL DECK: 24'-0" x 18'-0" (432 sq ft)  
 POOL: 12'-0" x 18'-0" (216 sq ft)  
 MAINTENANCE ROOM: 2'-0" x 8'-0" (16 sq ft)  
 TOTAL POOL AREA: 668 sq ft  
 TOTAL LOT AREA: 4124 sq ft  
 PERMITTED SETBACKS:  
 FRONT: 10'-0" (TO DRIVE)  
 REAR: 5'-0" (TO DRIVE)  
 SIDE: 5'-0" (TO DRIVE)  
 ALL DIMENSIONS MEASURED TO PROPERTY LINE UNLESS OTHERWISE NOTED.  
 ALL DIMENSIONS MEASURED TO CENTERLINE OF DRIVE UNLESS OTHERWISE NOTED.  
 ALL DIMENSIONS MEASURED TO CENTERLINE OF DRIVE UNLESS OTHERWISE NOTED.  
 DIMENSIONS ARE HEREBY APPROVED AND MAY VARY.

**BRIGGS, INC.**  
 7011 BARKHURST  
 ERMAW, NY  
 Carolina Creations  
 DATE: 09/29/2024

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P.O. Box 2307, SHALLOTTS, NC 28449  
 PH: 252-341-1811 FAX: 252-341-1817  
 info@carolinacreations.com

Scale: 1" = 10'

North Arrow

POOL SITE PLAN FOR:  
**NEUWIRTH RESIDENCE**  
 1020 Midnight Channel Rd. - Autumn Hall  
 Wilmington, NC

Professional Engineer Seal for William H. Harkness, No. 21416, State of North Carolina, Mechanical, dated 09/29/2024.

Professional Engineer Seal for William H. Harkness, No. 21416, State of North Carolina, Mechanical, dated 09/29/2024.

