

Application No. _____

**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.)
SEE ATTACHED.

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.

Application No. _____

ATTACH PLOT PLAN DESCRIBING VARIANCE REQUEST

PROPERTY LOCATION INFORMATION

Street address of subject property: 2509 Shandy Lane

Tax Parcel Number of subject property: **R06300-001-015-000**

**ATTACH TAX PARCEL & OWNERSHIP INFORMATION FOR ADJACENT PROPERTIES
(Include stamped, self-addressed envelopes)**

**APPLICANT INFORMATION
Name/Address/Telephone/Email**

**OWNER INFORMATION
Name/Address/Telephone/Email**

Name: Evan Barton on behalf of Legacy Pointe HOA, Inc.

Adam G. and Quinn Sosne

Address: PO Box 1609, Monroe, NC 28111

2012 Montrose Ln., Wilmington, NC 28405

Phone #: _____

910-264-4824

Email: evan@cadencerealty.com

adam@mcadamshomes.net

DocuSigned by:
Adam G Sosne 8/28/2024
AB9D334048DE429

ATTACH AGENT FORM IF THE APPLICANT IS NOT THE OWNER

DATE 8/28/2024

APPLICANT'S SIGNATURE 
5574435A7F8446B

Application No. _____

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PROPERTY LOCATION INFORMATION

Street addresses of subject property: 2537, 2533, 2529, 2525 and 2517 Shandy Lane

Tax Parcel Numbers of subject property: **R06300-001-056-000**, R06300-001-057-000, R06300-001-058-000, R06300-001-059-000 and R06300-001-060-000

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APPLICANT INFORMATION
Name/Address/Telephone/Email


OWNER INFORMATION
Name/Address/Telephone/Email

Name: Evan Barton on behalf of Legacy Pointe HOA, Inc. Walker Taylor, IV

Address: PO Box 1609, Monroe, NC 28111

313 Lumina Ave. S, Wrightsville Beach, NC 28480

Phone #: _____

DocuSigned by:
 8/29/2024
023E5A4180084FF

Email: evan@cadencerealty.com

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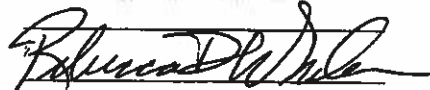
Name: Evan Barton on behalf of Legacy Pointe HOA, Inc. Rebecca D Whelan, Trustee

Address: PO Box 1609, Monroe, NC 28111

1701 Princess St., Wilmington, NC 28405

Phone #: _____

Email: evan@cadencerealty.com



ATTACH AGENT FORM IF THE APPLICANT IS NOT THE OWNER

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DocuSigned by:

5574436A7F9440B

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(Include stamped, self-addressed envelopes)**

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Name/Address/Telephone/Email

OWNER INFORMATION
Name/Address/Telephone/Email

Name: Evan Barton on behalf of Legacy Pointe HOA, Inc. Frederick Barton

Address: PO Box 1609, Monroe, NC 28111

2525 Shandy Ln, Wilmington, NC 28409

Phone #: _____

DocuSigned by:
Evan Barton 8/28/2024
5574435A7F8446B

Email: evan@cadencerealty.com

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DocuSigned by:
Evan Barton
5574435A7F8446B

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Name: Evan Barton on behalf of Legacy Pointe HOA, Inc. Joshua L and Heather D Glover

Address: PO Box 1609, Monroe, NC 28111

321 Pierpoint Dr, Wilmington, NC 28405

Phone #: _____

DocuSigned by:

8/28/2024
4BBAB5080148443

Email: evan@cadencerealty.com

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The applicant is requesting a variance from Section 18-494 of the Land Development Code (“LDC”) which requires installation of sidewalks for Legacy Point along Shandy Lane.

First, there are no existing sidewalks in the Shandy Lane corridor. The requirement to build a sidewalk through our property would create an isolated sidewalk segment that does not connect to any other pedestrian infrastructure.

Second, the property is surrounded by five private roads, none of which provide access to Legacy Point development and so the sidewalks would not provide interconnectivity.

Third, the construction of the sidewalk will add more impervious surfaces, which could exacerbate drainage issues in the area, which could lead to hazardous conditions such as flooding or slippery surfaces that could increase the risk of accidents. Additionally, the installation would negatively impact the natural surroundings, including trees.

Lastly, imposing a sidewalk that does not align with existing infrastructure could compromise safety rather than enhance it. The Applicant believes that the variance is not only necessary to avoid unnecessary environmental degradation but also crucial to maintaining the safety of the residents and pedestrians in the area.

Therefore, the Applicant is requesting the Board of Adjustment approve a variance from the LDC and not require the installation of sidewalk along Shandy Lane within Legacy Point.

- 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;**

Strict application of the ordinance requiring sidewalk installation would create an unnecessary hardship for our property on Shandy Lane. Given that there are no existing sidewalks in the Shandy Lane corridor and the property is surrounded by five private roads that do not provide access to our development, the sidewalk would serve no practical purpose for our property or the immediate community.

Furthermore, the construction of the sidewalk would lead to the addition of impervious surfaces, negatively impacting drainage and the natural environment, including the trees on the property. This would result in unnecessary environmental degradation without providing a significant public benefit.

Thus, the ordinance imposes a requirement that is not only burdensome but also misaligned with the actual needs and characteristics of the area. The variance is necessary to avoid this unnecessary hardship.

- 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;**

The hardship arises from the unique conditions of our property on Shandy Lane, which is surrounded by five private roads with no access to our development. Unlike other properties in the area, this project was required to install a sidewalk that would be isolated and disconnected from any existing pedestrian infrastructure. The location, topography and environmental features further exacerbate the impact, making this requirement particularly burdensome for this specific property.

- 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;**

The hardship did not result from actions taken by the applicant or property owner. The requirement for a sidewalk was imposed by the ordinance, not due to any modifications or decisions made by the owners and as previously stated, the location, topography and environmental features of this area are not the result of actions taken by the owners.

- 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.**

The requested variance aligns with the spirit and intent of the ordinance by recognizing that a sidewalk in this location does not enhance public safety or connectivity, as there are no existing sidewalks in the Shandy Lane corridor. Granting the variance ensures that unnecessary environmental harm is avoided while maintaining the ordinance's broader goals of safety and justice, achieving a fair outcome for both the property owners and the community.

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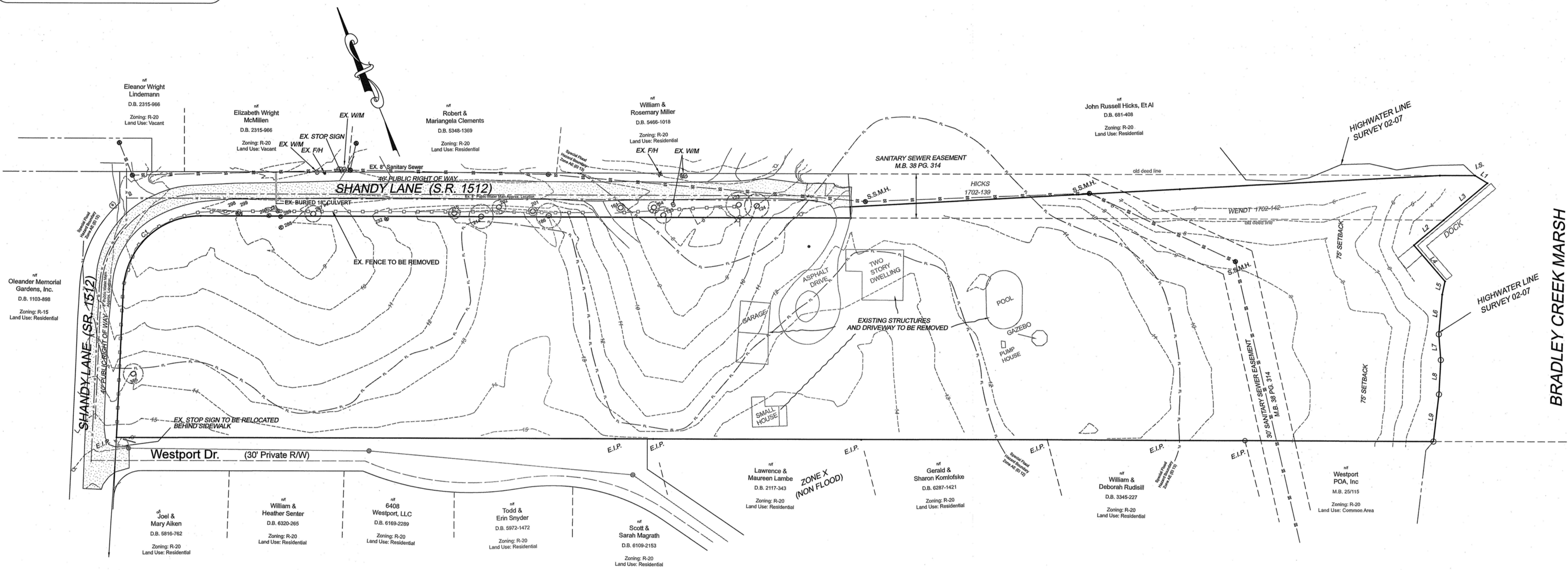
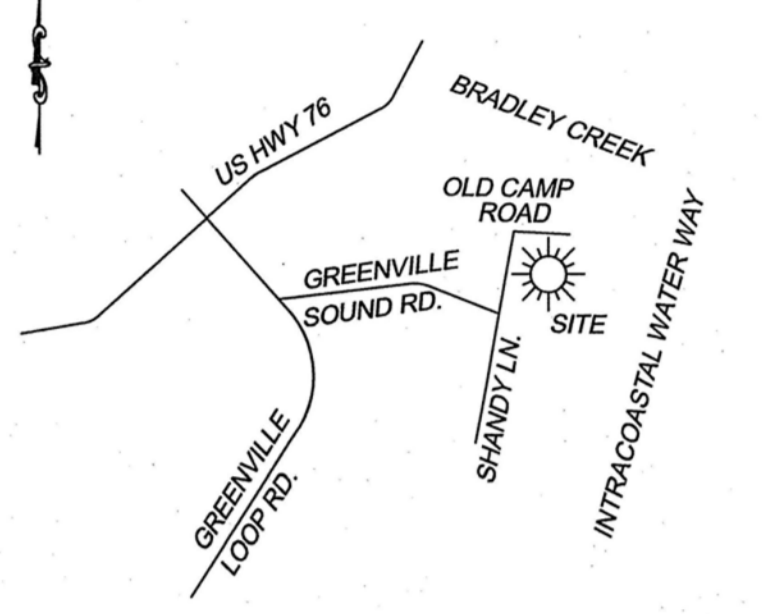
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LOCATION MAP

(NOT TO SCALE)



- NOTES**
1. AREA COMPUTED BY COORDINATE METHOD
 2. ALL DISTANCES ARE HORIZONTAL
 3. FOR REFERENCE SEE DEED BOOK 2889 PAGE 830, DEED BOOK 2544 PAGE 397, MAP BOOK 38 PAGE 314 CURRENT DEED BOOK 5263 PAGE 987
 4. SURVEYED : DECEMBER 2006 AND AUGUST 29, 2007
 5. 5.78 ACRES TOTAL AREA
 6. THIS PROPERTY IS NOT LOCATED WITHIN 2000' OF AN EXISTING N.C. GRID MONUMENT
 7. A.E.C. (AREA OF ENVIRONMENTAL CONCERN) SETBACK MUST BE REVIEWED AND APPROVED BY THE CITY OF WILMINGTON

LEGEND
 E.I.P. = EXISTING IRON PIPE
 E.C.M. = EXISTING CONCRETE MONUMENT
 S.S.M.H. = SANITARY SEWER MAN HOLE
 I.S. = IRON SET

For each open utility cut of City streets, a \$325 permit shall be required from the City prior to occupancy and/or project acceptance.

CITY OF WILMINGTON
 NORTH CAROLINA
 Public Services • Engineering Division
 APPROVED STORMWATER MANAGEMENT PLAN
 Date: _____ Permit # _____
 Signed: _____

Approved Construction Plan
 Date: 3/15/21
 # 2020029
 SWP #: 2021011
 PO, CW, RC, MB, BM

- REGULATE TREES TO BE REMOVED = 5
- SIGNIFICANT TREES TO BE REMOVED = 2
- TREE TO BE RETAINED = 12

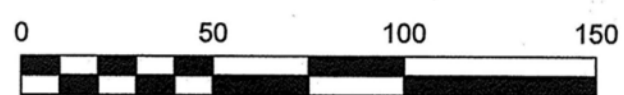
TREE INVENTORY

BOLD TREE #	RETAINED Description
123	23" HARDWOOD
124	TWIN 22" / 9" MAG
153	15" HARDWOOD
154	10.5" HARDWOOD
161	8" HARDWOOD
186	TWIN 22.5" / 9" OAK
201	TWIN 8" / 6.5" MAG
202	12.5" MAG
214	22" OAK
215	10.5" MAG
232	19" PINE
267	TWIN 14" / 15" MAG
271	10" HARDWOOD
288	12.5" MAG
289	8" HARDWOOD
290	TWIN 9" / 10" MAG
298	18" PINE
299	9.5" OAK
385	TWIN 16" / 18" OAK

HIGH WATER LINE

LINE	BEARING	DISTANCE
L1	S 35°38'37" E	13.13'
L2	S 72°42'21" W	35.32'
L3	S 72°42'21" W	51.97'
L4	S 18°02'03" E	43.17'
L5	S 34°54'01" W	12.21'
L6	S 27°45'55" W	35.73'
L7	S 18°18'21" W	23.32'
L8	S 25°51'07" W	30.94'
L9	S 29°31'47" W	42.67'

CURVE	RADIUS	ARC L.	CHORD L.	CHORD BEARING	TANGENT
C1	70.00'	106.80'	96.74'	N 69°12'30" E	66.91'



REVISIONS

NO.	DATE	DESCRIPTION

LEGACY POINTE
 HARNETT TOWNSHIP, NEW HANOVER COUNTY, NORTH CAROLINA
 OWNER: BARKER AND BOGGS
 2005 EASTWOOD ROAD, SUITE 201
 WILMINGTON, N.C. 28403

Date: 3-15-21
 Scale: HORZ.: 1" = 50'
 Drawn: GAWWAHG
 Checked: AHG
 Project No: 11736

EXISTING CONDITIONS



HANOVER DESIGN SERVICES, P.A.
 LAND SURVEYORS, ENGINEERS & LAND PLANNERS
 1123 FEDERAL PARKWAY
 WILMINGTON, N.C. 28403
 LICENSE # 00007

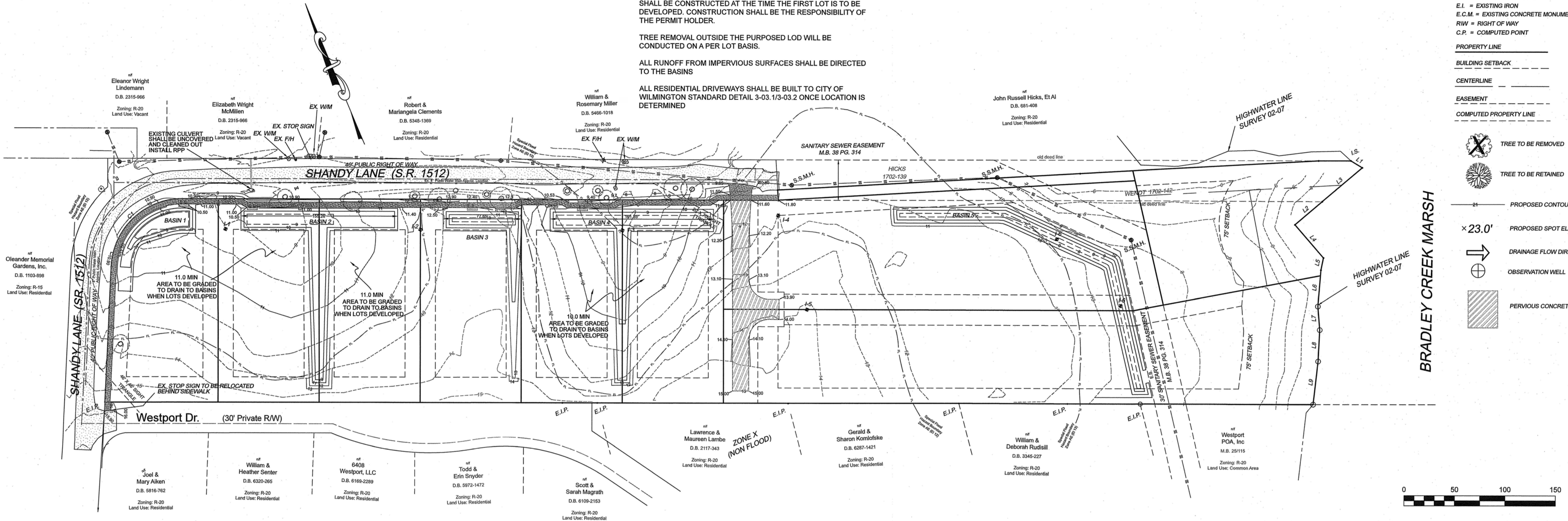
NOTES:

BASINS AND DRIVEWAYS TO BE CONSTRUCTED AS LOTS ARE DEVELOPED. IF SERVING MULTIPLE LOTS THE ENTIRE BASIN SHALL BE CONSTRUCTED AT THE TIME THE FIRST LOT IS TO BE DEVELOPED. CONSTRUCTION SHALL BE THE RESPONSIBILITY OF THE PERMIT HOLDER.

TREE REMOVAL OUTSIDE THE PURPOSED LOD WILL BE CONDUCTED ON A PER LOT BASIS.

ALL RUNOFF FROM IMPERVIOUS SURFACES SHALL BE DIRECTED TO THE BASINS

ALL RESIDENTIAL DRIVEWAYS SHALL BE BUILT TO CITY OF WILMINGTON STANDARD DETAIL 3-03.1/3-03.2 ONCE LOCATION IS DETERMINED

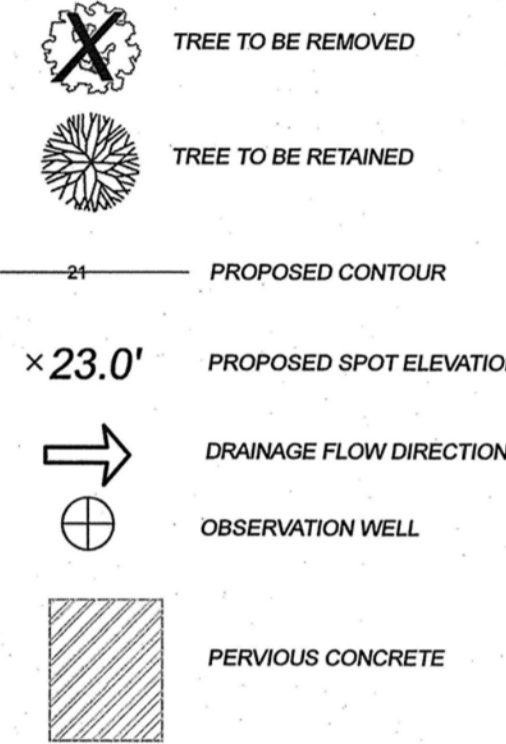


LEGEND

E.I.P. = EXISTING IRON PIPE
 E.I. = EXISTING IRON
 E.C.M. = EXISTING CONCRETE MONUMENT
 R.W. = RIGHT OF WAY
 C.P. = COMPUTED POINT

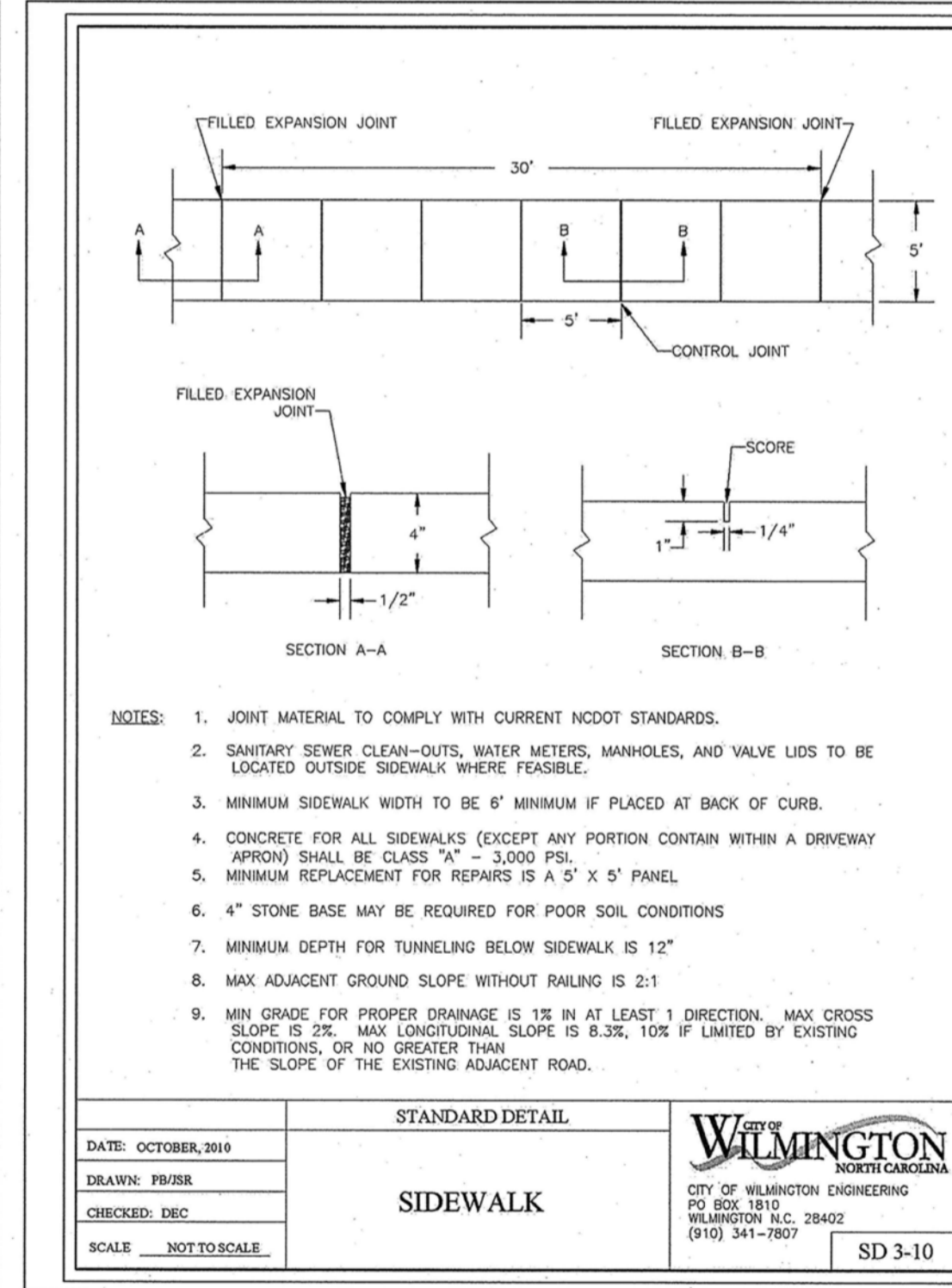
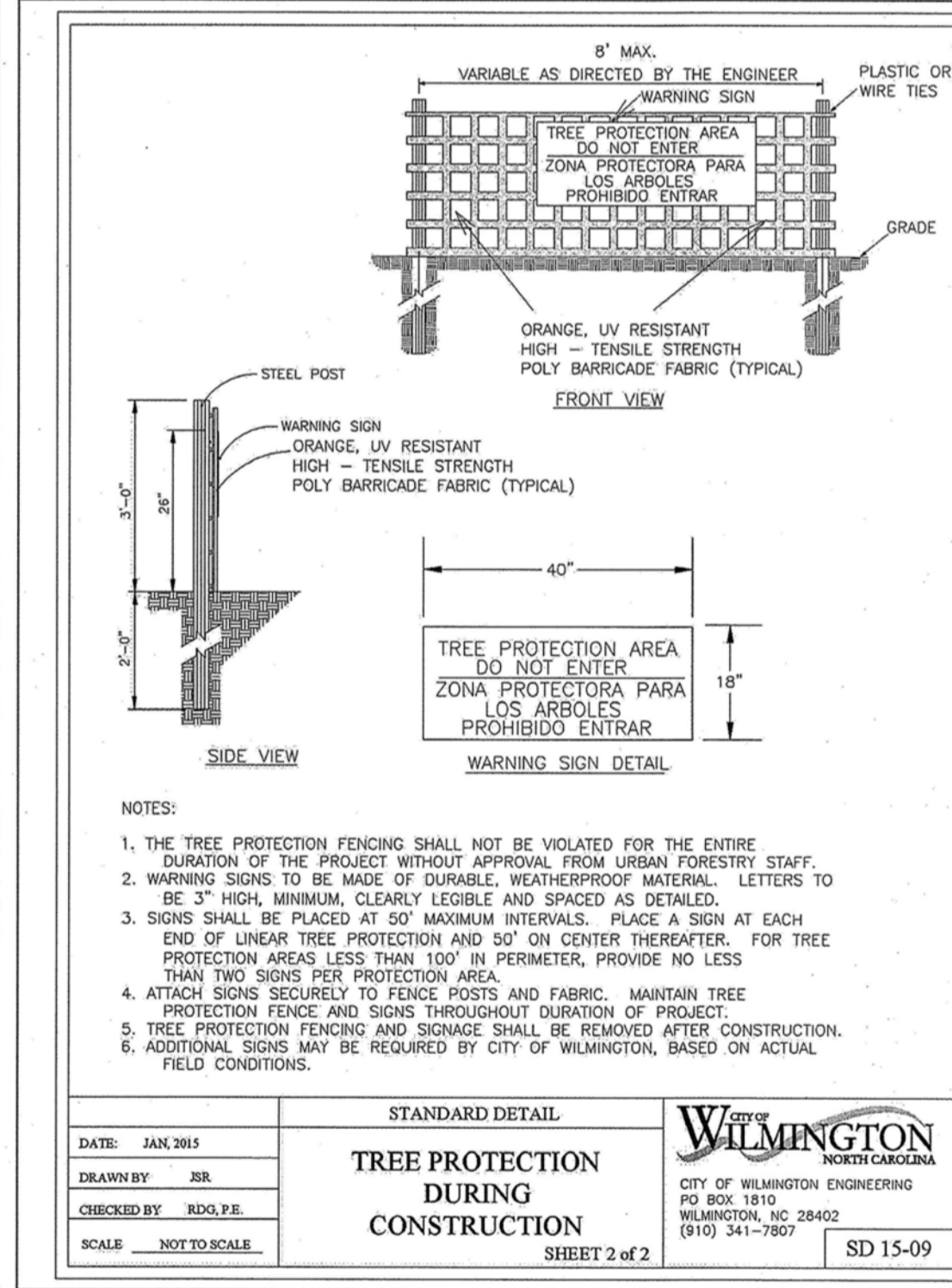
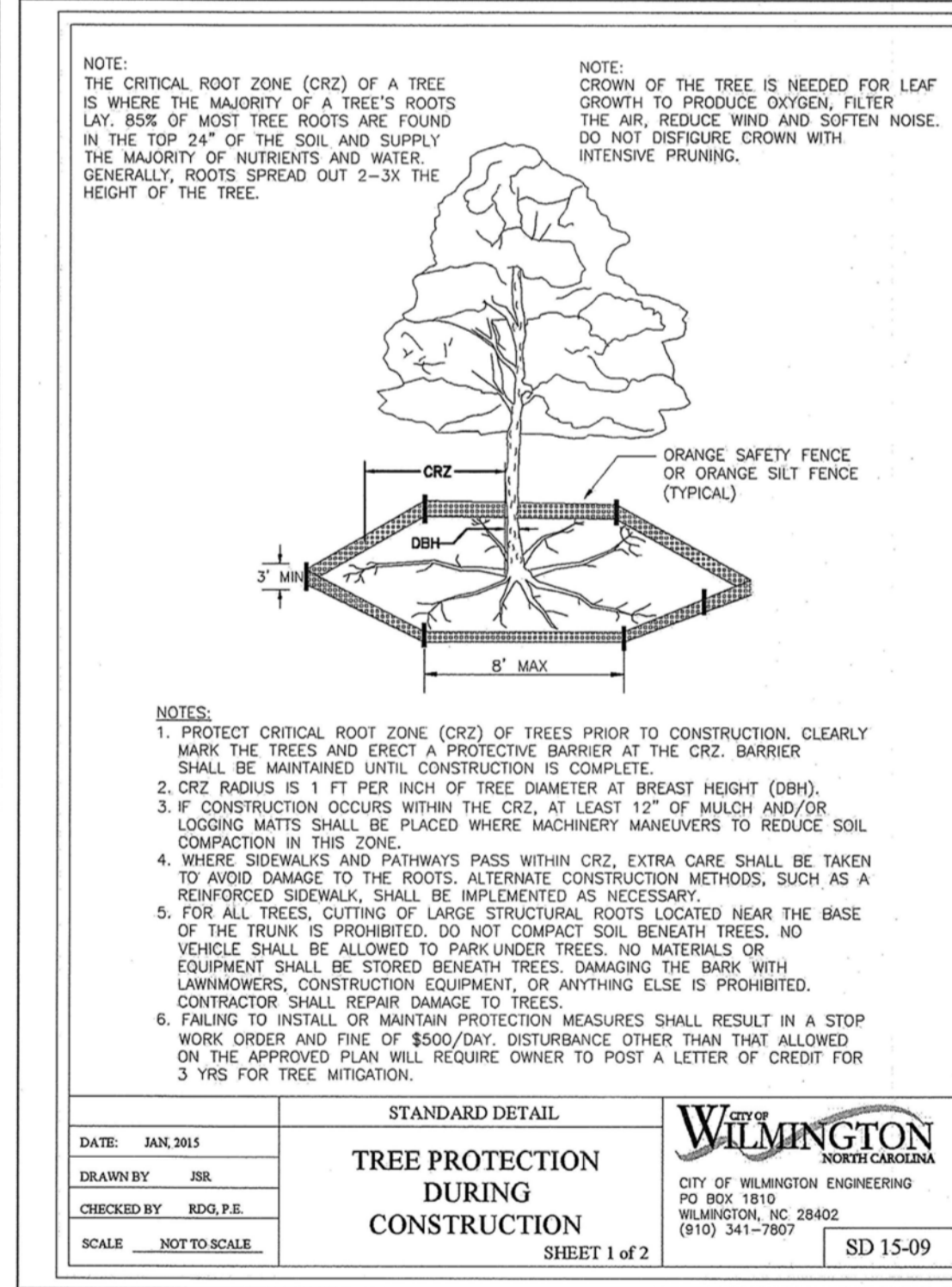
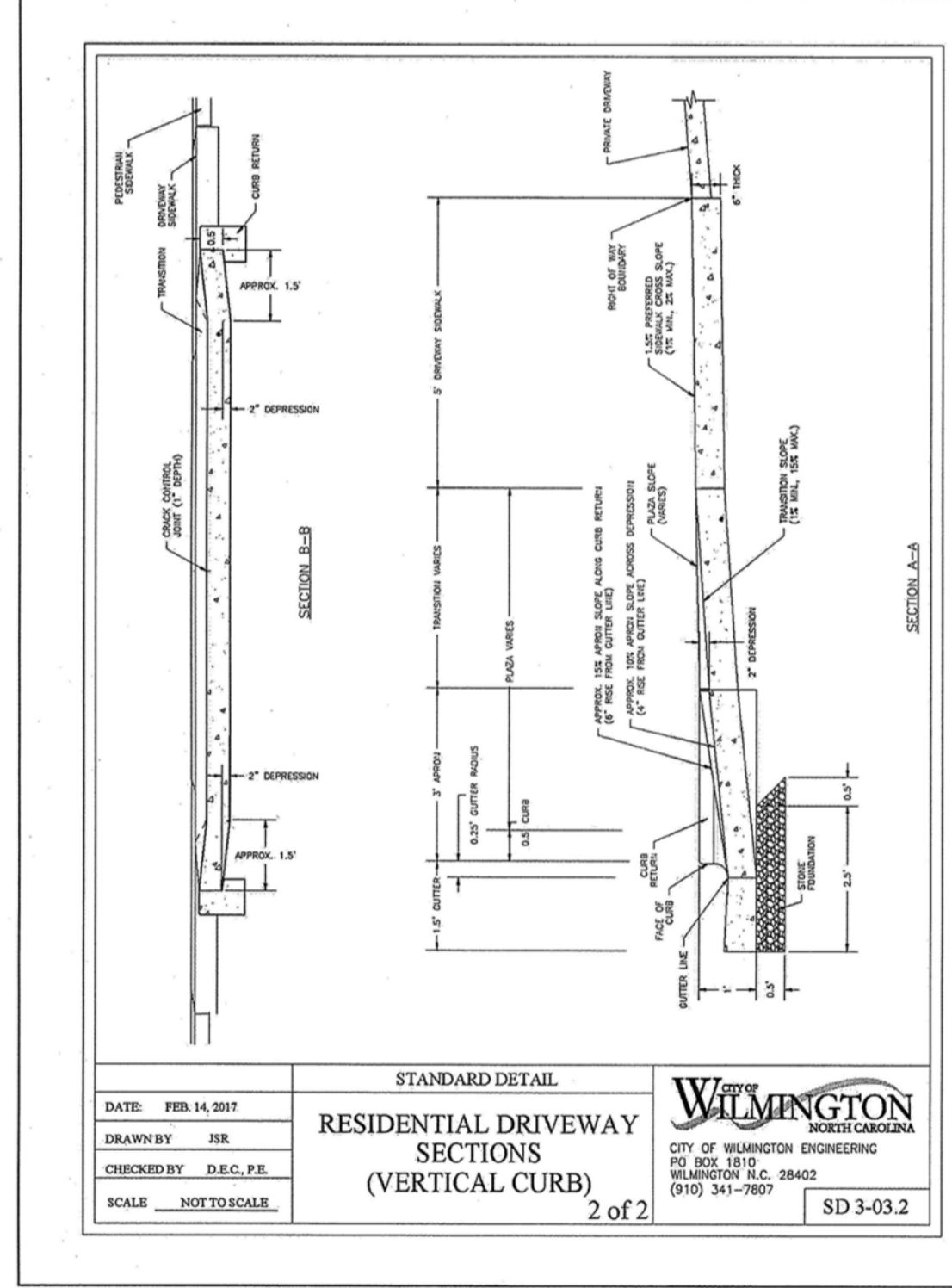
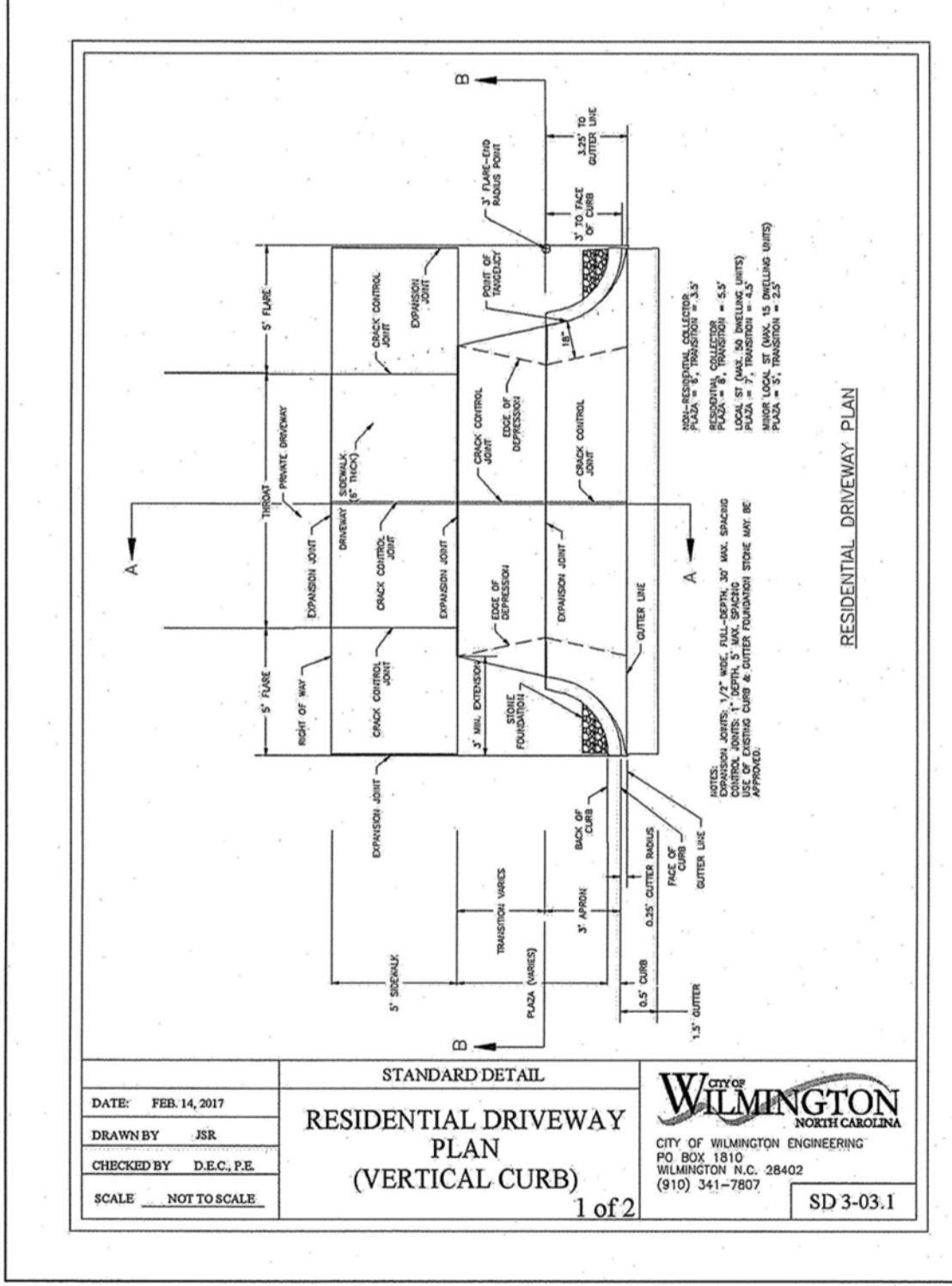
PROPERTY LINE

BUILDING SETBACK
 CENTERLINE
 EASEMENT
 COMPUTED PROPERTY LINE



HANOVER DESIGN SERVICES, P.A.
 LAND SURVEYORS, ENGINEERS & LAND PLANNERS
 1123 LOCAL PARKWAY
 WILMINGTON, NC 28402
 LICENSE # 15007

NO.	DATE	REVISIONS



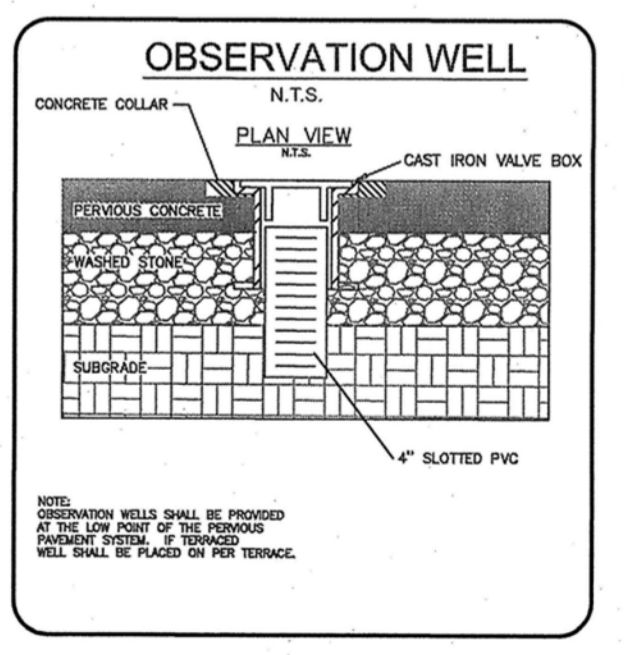
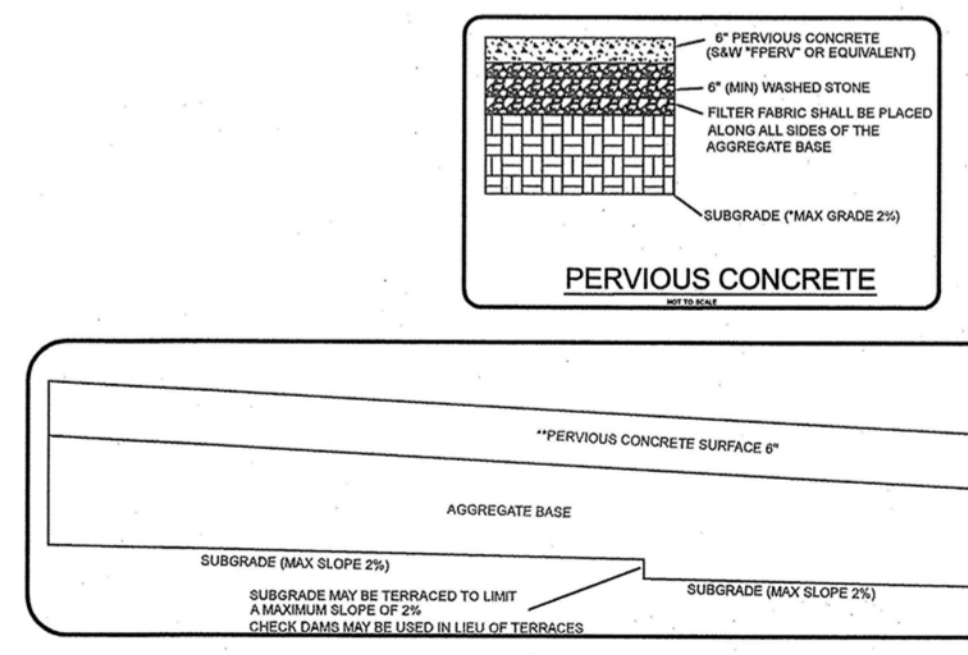
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 Date: Permit #
 Signed: _____

Approved Construction Plan
 Date: 3/15/21
 # 2020029
 SWP #: 2021011
 PO, CW, RC, MB, BM

ADDITIONAL PERVIOUS CONCRETE NOTES

- PAVEMENT SURFACE SHALL HAVE A MINIMUM INFILTRATION RATE OF 50 IN/HR
- MIX DESIGN PREPARATION AND PLACEMENT SHALL BE IN ACCORDANCE TO ACI SPEC-22.1-13
- SURFACE THICKNESS MAY BE REDUCED OR INCREASED BASED ON GEOTECHNICAL ENGINEERS RECOMMENDATIONS.
- MAXIMUM SOIL SUBGRADE SLOPE SHALL BE 2%. SUBGRADE MAY BE TERRACED OR GRADED BERMS MAY BE USED TO ACHIEVE A SLOPE LESS THAN OR EQUAL TO 2%
- OBSERVATIONS WELLS SHALL BE PROVIDED AT THE LOW POINT OF THE SYSTEM.
- IF SYSTEM IS TERRACED THERE SHALL BE ONE OBSERVATION WELL PER TERRACE.
- AGGREGATE BASE SHALL BE COMPRISED OF WASH STONE. PERCENT VOIDS SHALL BE 30%-40%.
- THE AREA ADJACENT TO THE PC SHALL BE GRADED TO DIVERT RUNOFF FROM ALL OTHER AREAS.
- SOIL SUBGRADES SHALL NOT BE GRADED WHEN SATURATED, ONLY GRADE WHEN DRY.
- PC SHALL BE PROTECTED AND KEPT FREE FROM DEBRIS DURING CONSTRUCTION
- PC SHALL BE INSPECTED QUARTLY AND ANY DEFICIENCIES REPAIRED
- CONTRACTOR IS RESPONSIBLE FOR GEOTECHNICAL TESTING AS NECESSARY
- CONTRACTOR IS RESPONSIBLE FOR FOLLOWING ALL MANUFACTURING INSTALLATION GUIDELINES

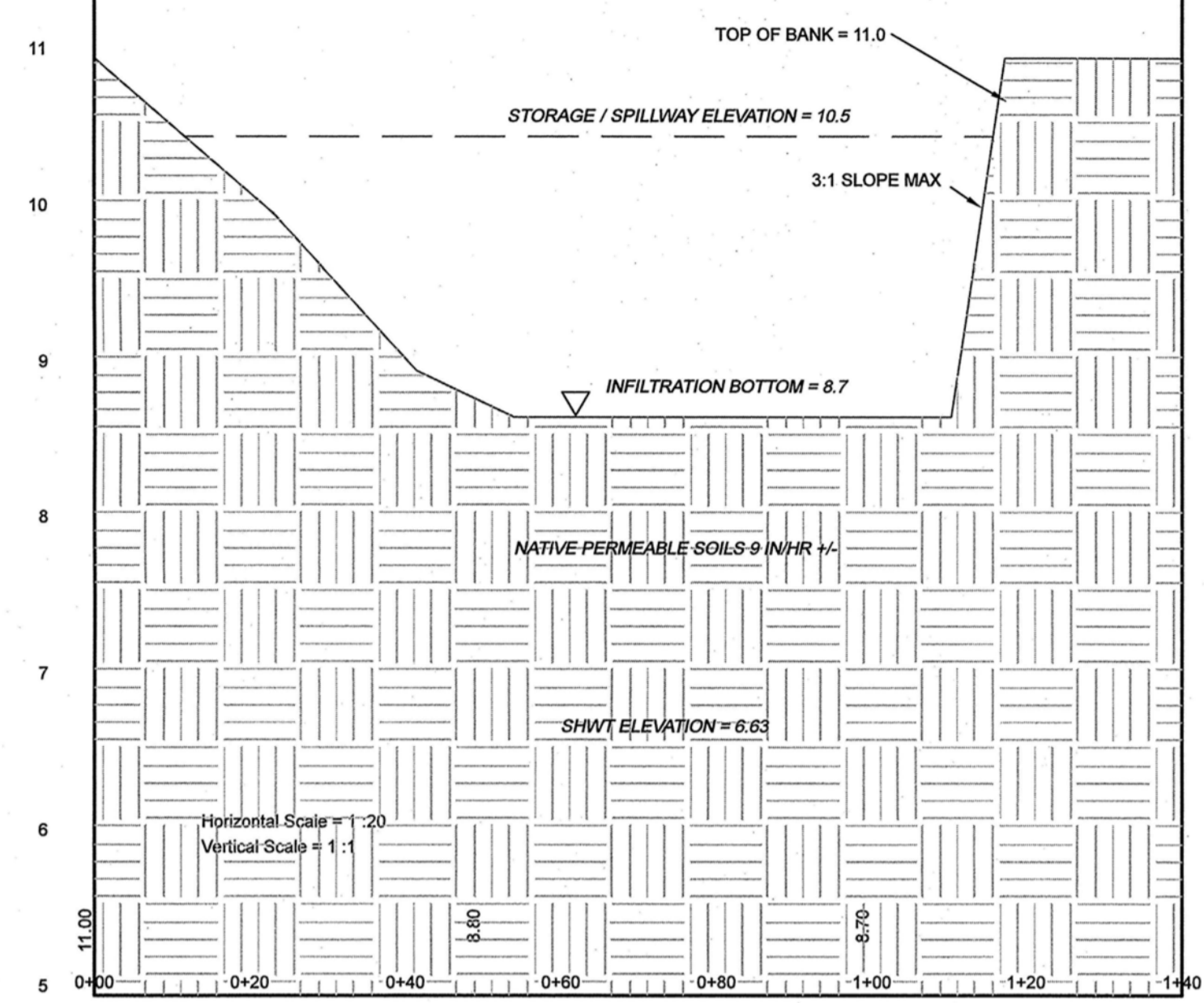


PRELIMINARY SUBDIVISION PLAN OF
LEGACY POINTE
 HARNETT TOWNSHIP, NEW HANOVER COUNTY, NORTH CAROLINA
 OWNER: BARKER AND BOGGS
 2006 EASTWOOD ROAD, SUITE 201
 WILMINGTON, N.C. 28403

GRADING AND STORM

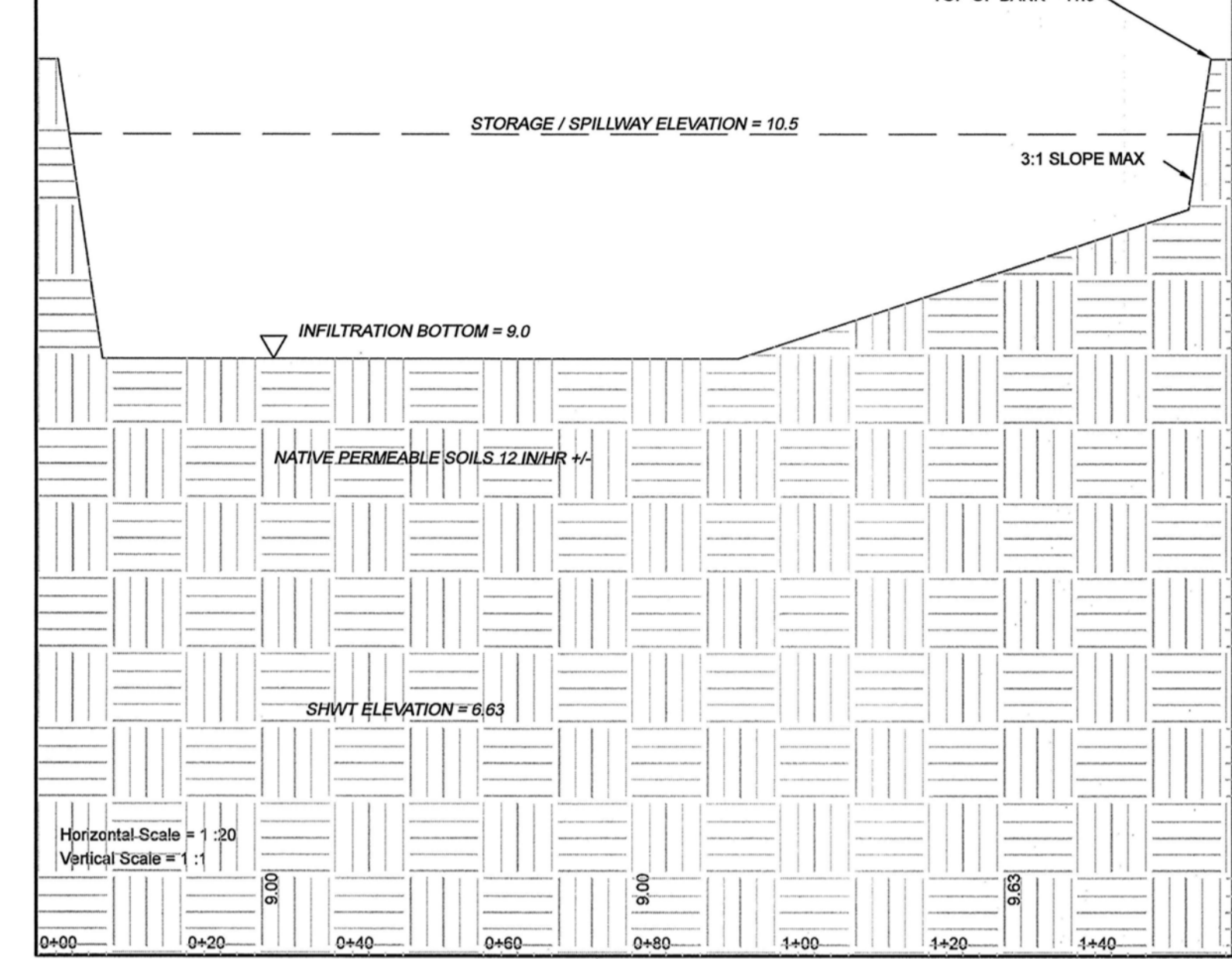
BASIN 1

Elev(Ft)	Storage(CF)	Area(SF)	Area(Acre)
8.700	0.0	670.587	0.015
9.000	227	843.072	0.019
10.000	1391	1517.828	0.035
10.500	2290	2094.320	0.048
11.000	3438	2503.903	0.057



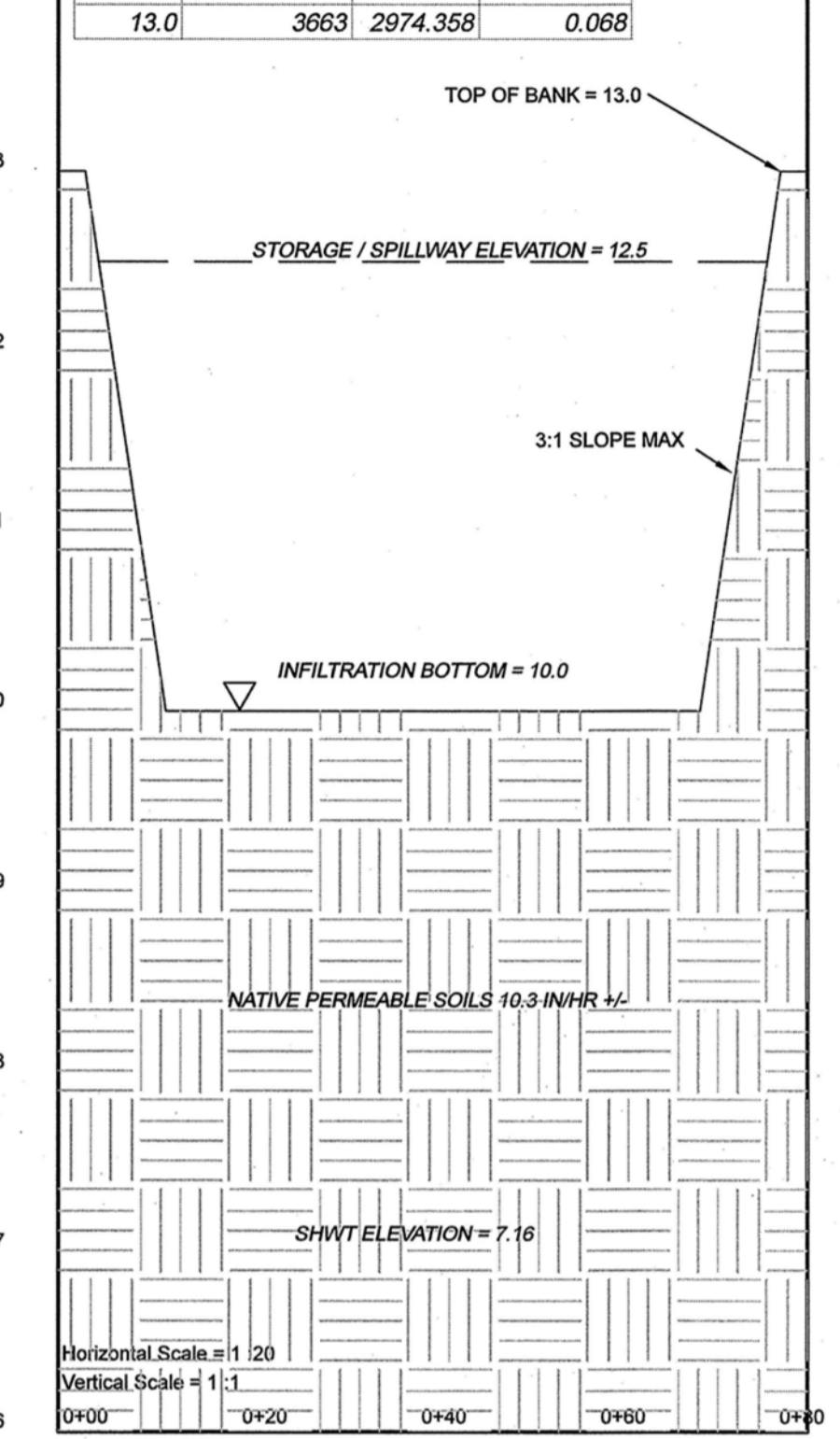
BASIN 2

Elev(Ft)	Storage(CF)	Area(SF)	Area(Acre)
9.000	0.0	855.088	0.020
10.000	2284	4120.003	0.095
10.500	4575	5061.321	0.116
11.000	7342	6020.639	0.138



BASIN 3

Elev(Ft)	Storage(CF)	Area(SF)	Area(Acre)
10.0	0.0	238.600	0.005
11.0	431	656.500	0.015
12.0	1512	1569.979	0.036
12.5	2414	2050.244	0.047
13.0	3663	2974.358	0.068



CITY OF WILMINGTON
 NORTH CAROLINA
 Public Services • Engineering Division
 APPROVED STORMWATER MANAGEMENT PLAN
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 Signed: _____

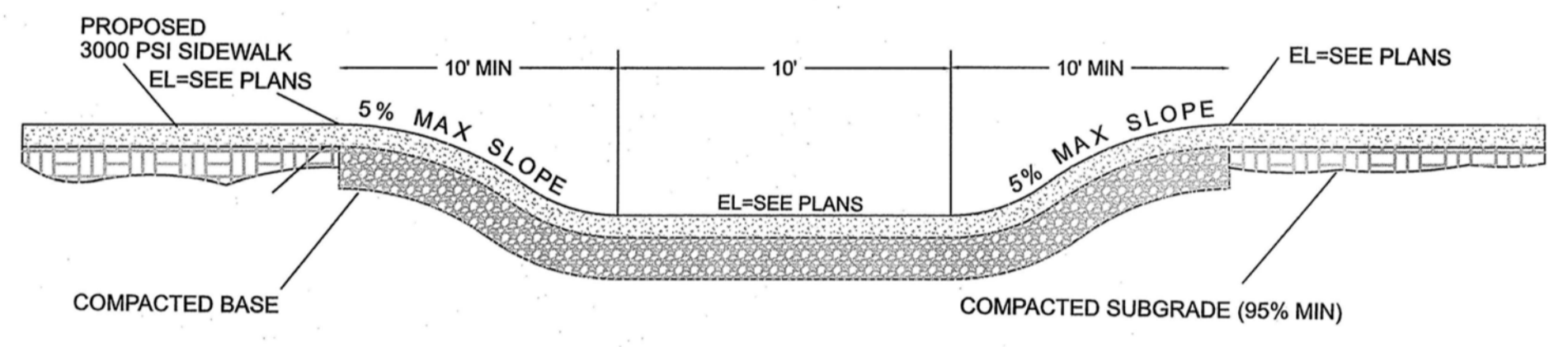
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 PO, CW, RC, MB, BM

For each open utility cut of City streets, a \$325 permit shall be required from the City prior to occupancy and/or project acceptance.

HANOVER DESIGN SERVICES, P.A.
 LAND SURVEYORS, ENGINEERS & LAND PLANNERS
 2005 EASTWOOD ROAD, SUITE 201
 WILMINGTON, N.C. 28403
 LICENSE # 0-0587

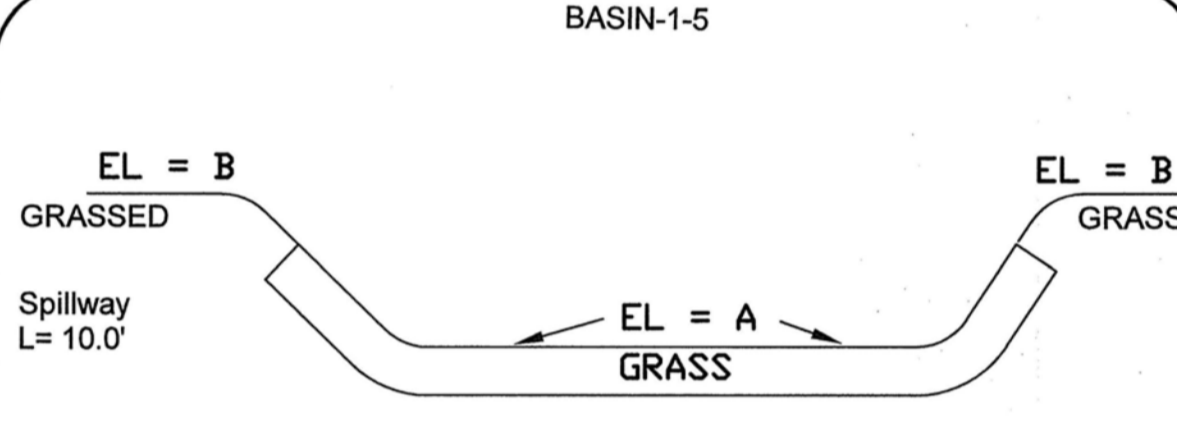
- GENERAL BASIN NOTES:**
- BASINS TO BE CONSTRUCTED AS LOTS ARE DEVELOPED. IF SERVING MULTIPLE LOTS THE ENTIRE BASIN SHALL BE CONSTRUCTED AT THE TIME THE FIRST LOT IS TO BE DEVELOPED.
 - DURING CONSTRUCTION, BASIN AREAS SHALL BE MARKED OFF TO PREVENT CONSTRUCTION TRAFFIC FROM ENTERING THE AREA AND COMPACTING SOILS.
 - GRADING OF THE BASIN SHALL BE ACCOMPLISHED USING LOW-IMPACT EQUIPMENT TO PREVENT COMPACTION OF THE SOILS.
 - DO NOT DISTURB UNDERLYING SOILS BELOW FINAL DESIGN ELEVATION.
 - PERMANENT VEGETATION, SEEDING, AND MATTING OF BASINS SHALL BE COMPLETED WITHIN 2 DAYS OF FINAL GRADING.
 - VEGETATION ALONG THE SURFACE OF BASINS SHALL BE MAINTAINED IN GOOD CONDITION. AVOID EXCESSIVE COMPACTION BY MOWERS AND OTHER EQUIPMENT WHILE MAINTAINING.
 - LOW MAINTENANCE VEGETATION SHALL BE USED IN LANDSCAPING OF BASIN TO REDUCE COMPACTION FROM CONSTANT MOWING.
 - ALL ROOF DRAINS DIRECTED TO BASINS SHALL BE SCREENED.
 - NO IMPERVIOUS SURFACES SHALL BE DIRECTLY CONNECTED TO BASIN UNLESS IT HAS BEEN SCREENED
 - MAXIMUM SIDE SLOPES SHALL BE 3:1 UNLESS WITHOUT SPECIAL STABILIZATION
 - BASIN 5: A 1" LAYER OF CLAY WAS OBSERVED AT THE BORING LOCATION BETWEEN THE DEPTHS OF 3-4 FEET. IF ENCOUNTERED DURING CONSTRUCTION THE LAYER SHALL BE REMOVED FROM THE BASIN BOTTOM AND REPLACED WITH SOIL MATCHING THE EXISTING INFILTRATION RATES AT MINIMUM.

REVISIONS	DATE



SIDEWALK AT EMERGENCY SPILLWAY
 NOT TO SCALE

MAX. CROSS SLOPE - 2.0%
 SEE SIDEWALK DETAIL FOR FURTHER INFORMATION

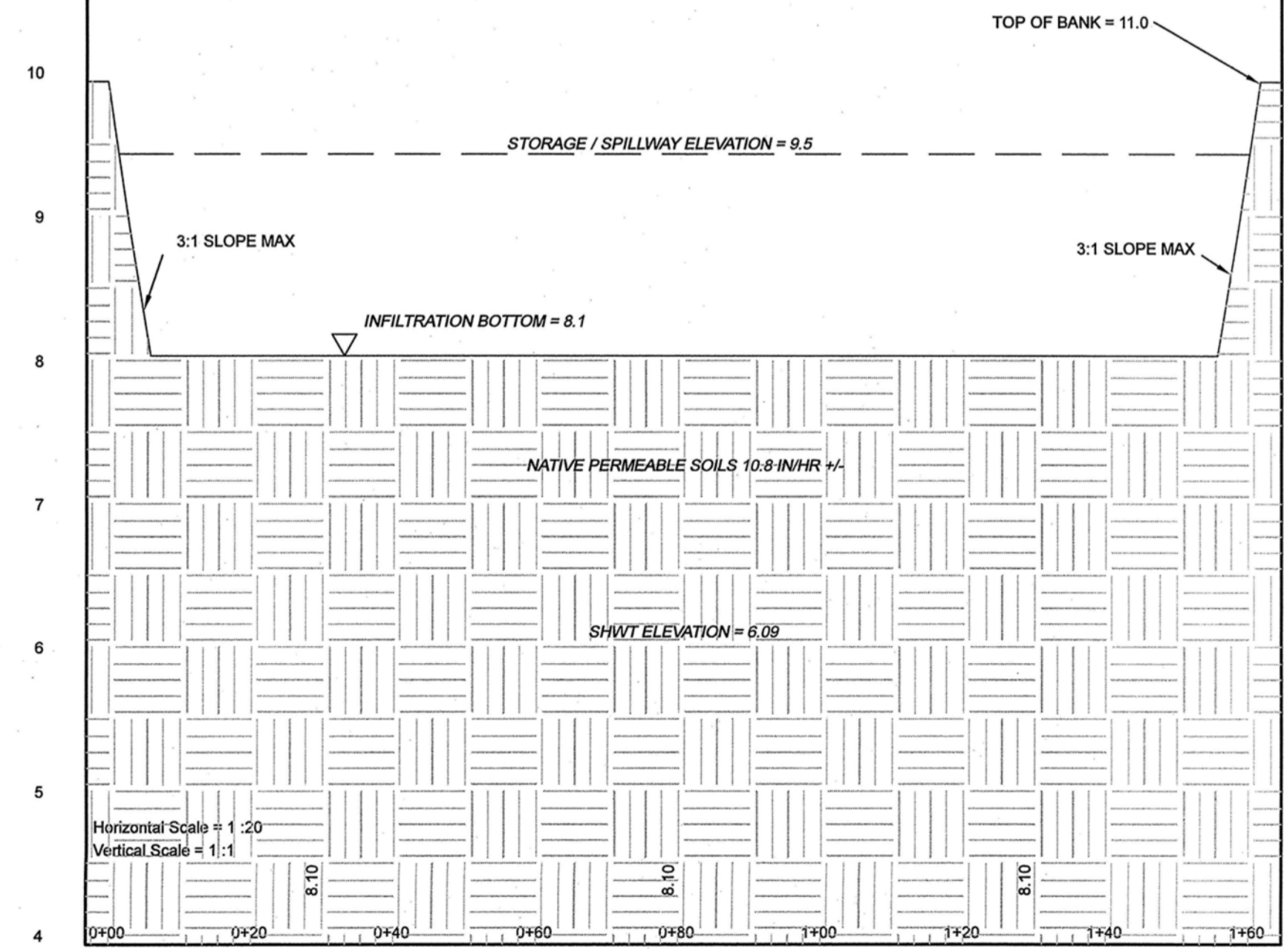


EMERGENCY SPILLWAY DETAIL
 NOT TO SCALE

BASIN	TOP OF BANK (B)	SPILLWAY (A)
1	11	10.5
2	11	10.5
3	13	12.5
4	10	9.5
5	10	9.5

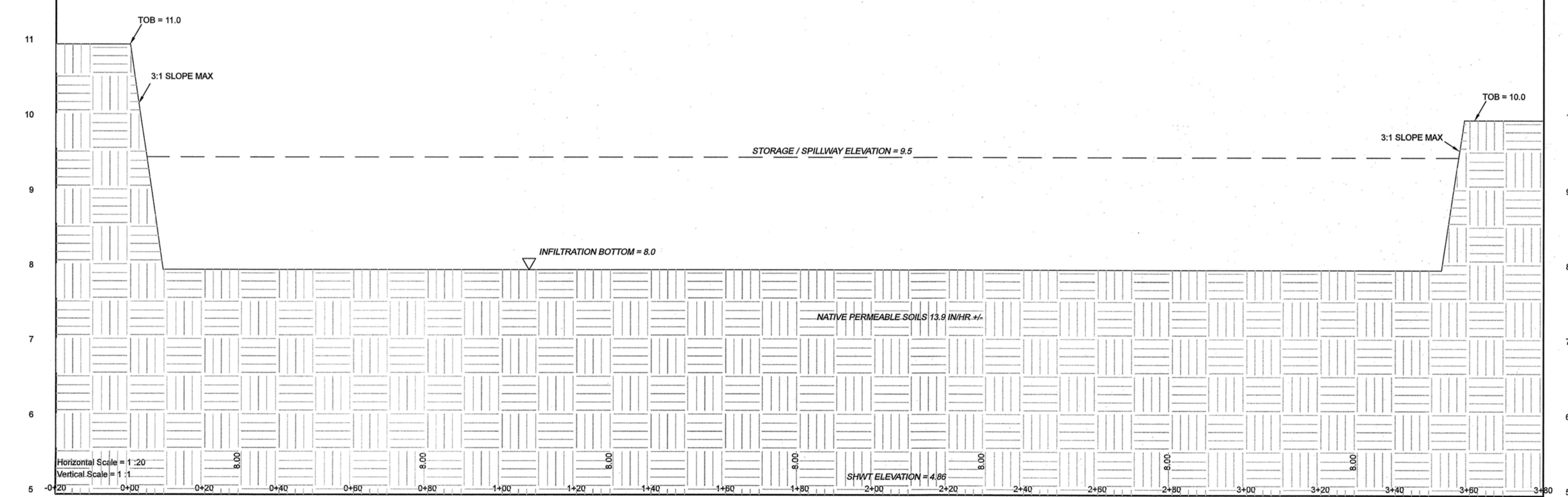
BASIN 4

Elev(Ft)	Storage(CF)	Area(SF)	Area(Acre)
8.100	0.0	1476.023	0.034
9.000	2086	3278.793	0.075
9.500	4017	4472.555	0.103
10.000	6497	5485.458	0.125



BASIN 5

Elev(Ft)	Storage(CF)	Area(SF)	Area(Acre)
8.000	0.0	1240.919	0.028
9.000	2215	3363.134	0.077
9.500	4162	4450.256	0.102
10.000	6658	5555.455	0.128



LEGACY POINTE
 GRADING AND STORMWATER
 HANOVER TOWNSHIP, NEW HANOVER COUNTY, NORTH CAROLINA
 OWNER: BARKER AND BOGGS
 2005 EASTWOOD ROAD, SUITE 201
 WILMINGTON, N.C. 28403

INFILTRATION BASINS

3/15/21