

**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 page for variance request

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 4607 Market Street

Tax Parcel Number of subject property 04914-003-008-000

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

APPLICANT INFORMATION

Name/Address/Telephone/Email

Name: Koontz Bryant Johnson Williams, PC
Robert J. Lindgren, P.E.

Address: 1703 North Parham Road, Suite 202

Phone #: (804) 200-1917

Email: RLindgren@kbjwgroup.com

OWNER INFORMATION

Name/Address/Telephone/Email

Encore-Birchwood, LLC

1626 North Snow Avenue #63

(813) 495-6536

pbudronis@encore-re.com

ATTACH AGENT FORM IF THE APPLICANT IS NOT THE OWNER

DATE 10/07/2024

APPLICANT'S SIGNATURE Robert J. Lindgren

Description of Requested Variance

The Owner is requesting a variance to Section 18-205(B) of the City of Wilmington's Land Development Code, which prohibits having a drive-through facility between a building and a right-of-way for the reasons described below:

1. Unnecessary hardship would result

The Owner cannot practicably develop the site for a Starbucks without the variance. We need to keep the drive-through traffic separated from the restaurant customers as much as possible. The drive-through wraps around the site with the parking area and the store entrance inside the loop. This arrangement provides a significant stacking capacity for drive-through traffic at some distance from Market Street and minimizes pedestrian crossings. The main entrance is on the north side of the building adjacent to the parking area.

2. Conditions peculiar to the property

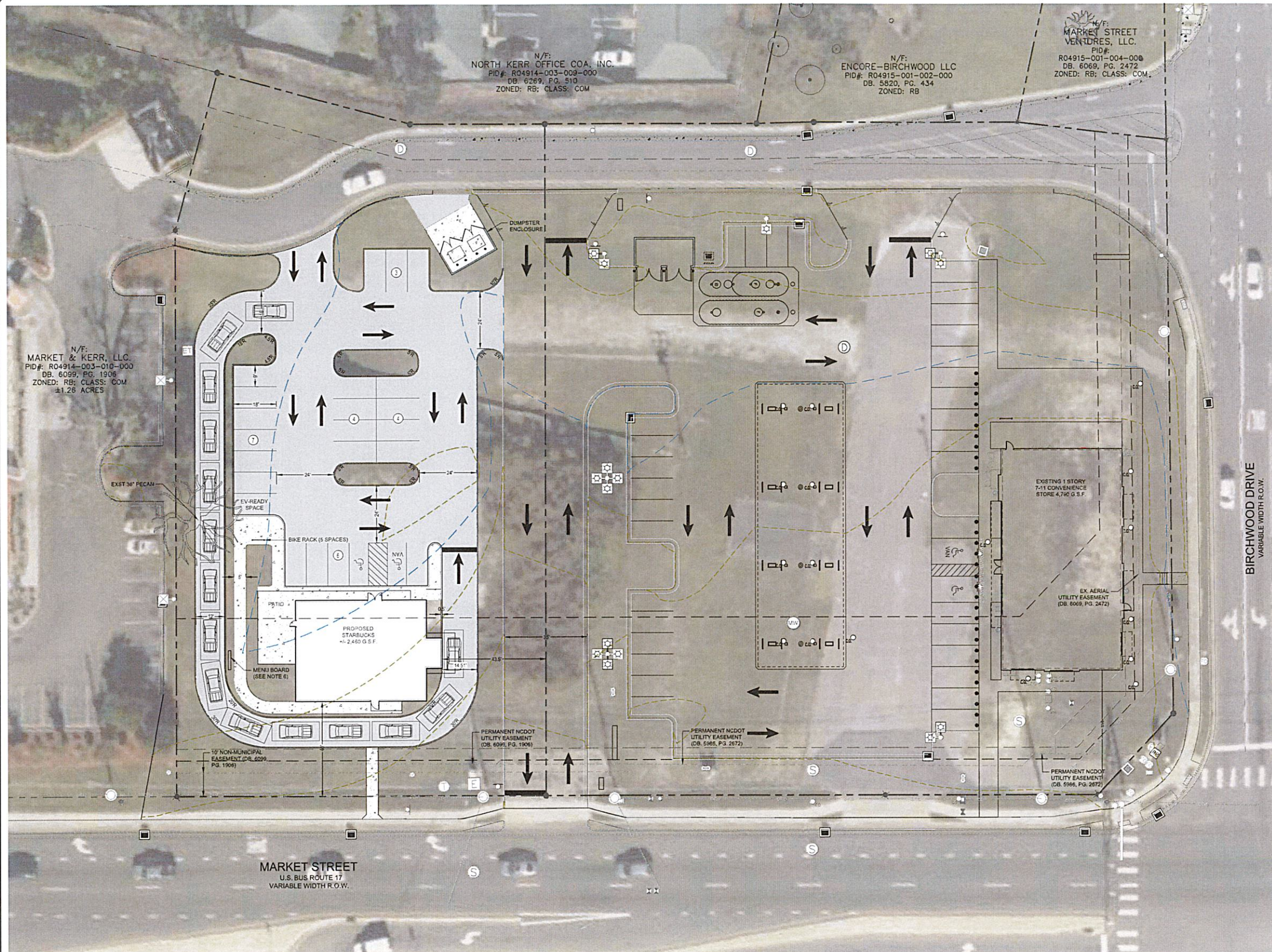
The size and shape of the parcel prevent workable options for arrangement.

3. Hardship not the result of Owner's actions

The lot is currently vacant. The hardship is due to the size and shape of the lot.

4. Variance is consistent with the spirit, purpose, and intent of the ordinance

The variance will allow the construction of the restaurant and will keep drive-through traffic queuing off and away from Market Street.



SITE DATA

O'WNER/DEVELOPER: ENCORE - BIRCHWOOD, LLC
 1646 W SNOW AVE. #63
 TAMPA, FL 33606
 CONTACT: PATRICK BUDRONIS
 PH (813) 495-6536
 EMAIL: PBUDRONIS@ENCORE-RE.COM

ENGINEER: KOONTZ BRYANT JOHNSON WILLIAMS, INC
 1703 NORTH PARHAM ROAD, SUITE 202
 HENRICO, VIRGINIA 23229
 CONTACT: ROBERT LINDGREN, PE
 PH (804) 200-1917 ~ FAX (804) 740-7338
 RB (REGIONAL BUSINESS)

PARCEL ZONING: COFFEE SHOP (STARBUCKS)

PROPOSED USE: 4607 MARKET STREET
 WILMINGTON, NC 28405

PID NUMBER: R04914-003-008-000

PARCEL AREA: ±1.025 ACRES

